

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | | |
|---------------------------|---|---------------------|
| JEREMY LIEBBE, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| VS. | § | NO. 3:16-CV-02413-L |
| | § | |
| DALLAS INDEPENDENT SCHOOL | § | |
| DISTRICT, | § | |
| | § | |
| Defendant. | § | |

ORAL AND VIDEOTAPED DEPOSITION OF
MIKE MILES
AUGUST 24, 2017
VOLUME 1

ORAL AND VIDEOTAPED DEPOSITION of
MIKE MILES, produced as a witness at the instance of
the Plaintiff, and duly sworn, was taken in the
above-styled and numbered cause on the 24th of August,
2017, from 9:37 a.m. to 1:52 p.m., before Kathy E.
Weldon, CSR in and for the State of Texas, reported by
machine shorthand, at the offices of Thompson &
Horton, LLP, 500 North Akard Street, Suite 3150, in
the City of Dallas, County of Dallas, State of Texas,
pursuant to Notice and the Federal Rules of Civil
Procedure.



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214-324-3733

A P P E A R A N C E S

FOR THE PLAINTIFF:

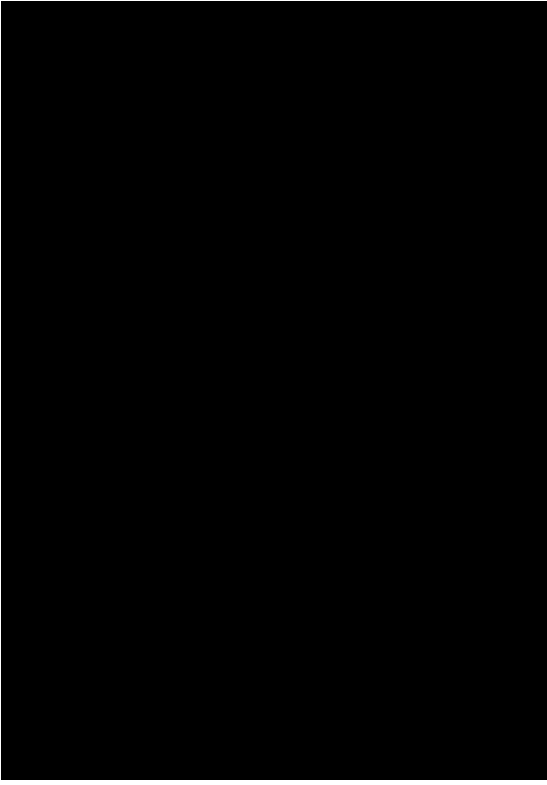
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ALSO PRESENT:

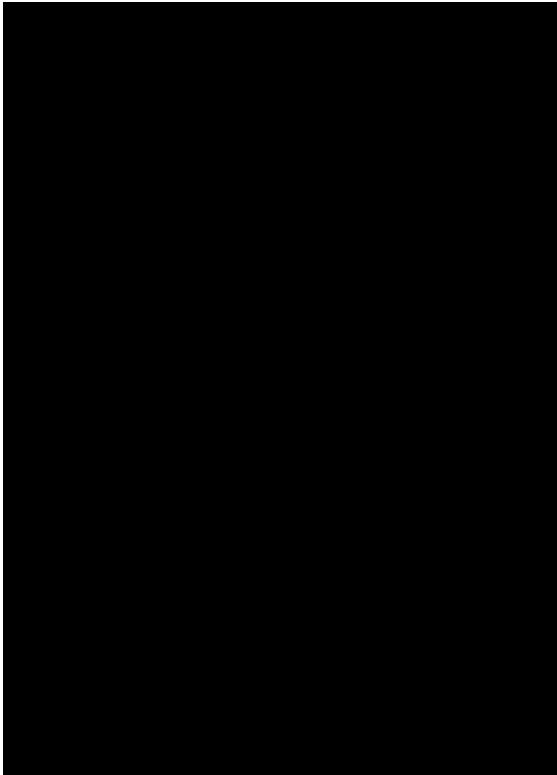
Mr. Justin McAdams, Videographer

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| 1 | P R O C E E D I N G S |  | |
| 2 | (All parties present have hereby waived | | |
| 3 | the necessity of the reading of the | | |
| 4 | statements by the deposition officer as | | |
| 5 | required by Rule 30(b)(5).) | | |
| 6 | THE REPORTER: Are there any stipulations | | |
| 7 | or agreements you would like to state for the record | | |
| 8 | before we begin? | | |
| 9 | MR. CAMPBELL: The usual stipulations, | | |
| 10 | Carlos? | | |
| 11 | MR. LOPEZ: Yes, that's fine. | | |
| 12 | MIKE MILES, | | |
| 13 | having been first duly sworn, testified as follows: | | |
| 14 | EXAMINATION | | |

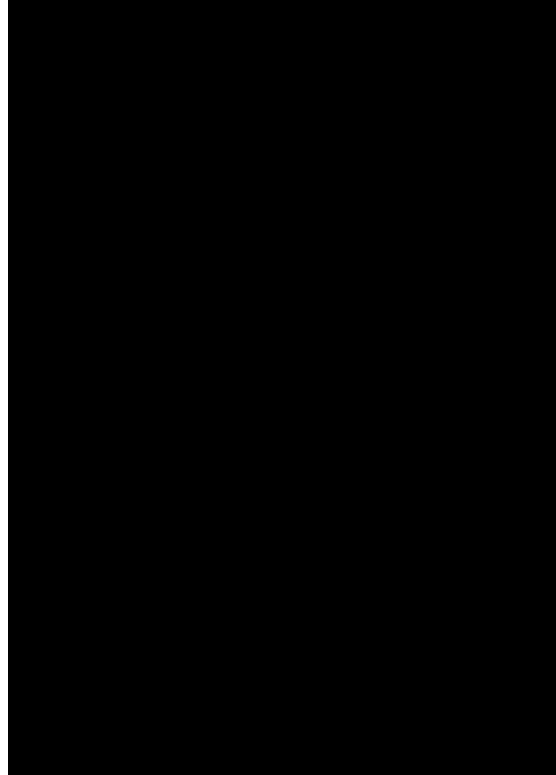
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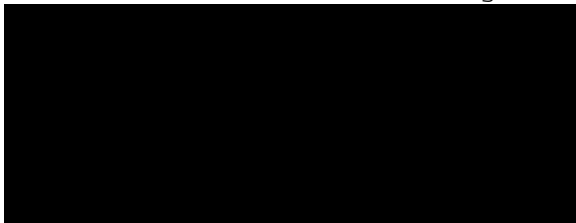
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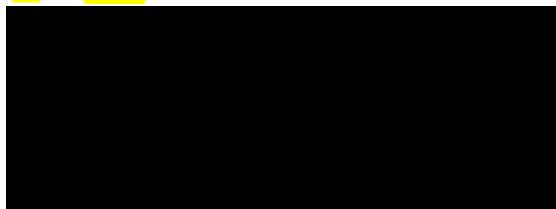
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8 Q. (By Mr. Campbell) Were there any decisions
9 that you made that were reviewed directly by the
10 Board? Were any categories of decisions you would
11 make that were reviewed directly by the Board?
12 MR. LOPEZ: Objection, form.
13 Go ahead. You can answer.
14 A. So the -- the Board has control over several
15 things, like policy. They also had to approve, for
16 example, terminations of principals, several other
17 things that they would -- that that was in their
18 purview.
19 Q. (By Mr. Campbell) Oh, so the Board would
20 approved terminations of a principal.
21 What is your understanding of what a
22 principal is?
23 MR. LOPEZ: Objection, form.
24 A. Principal of a school is what I'm talking
25 about.

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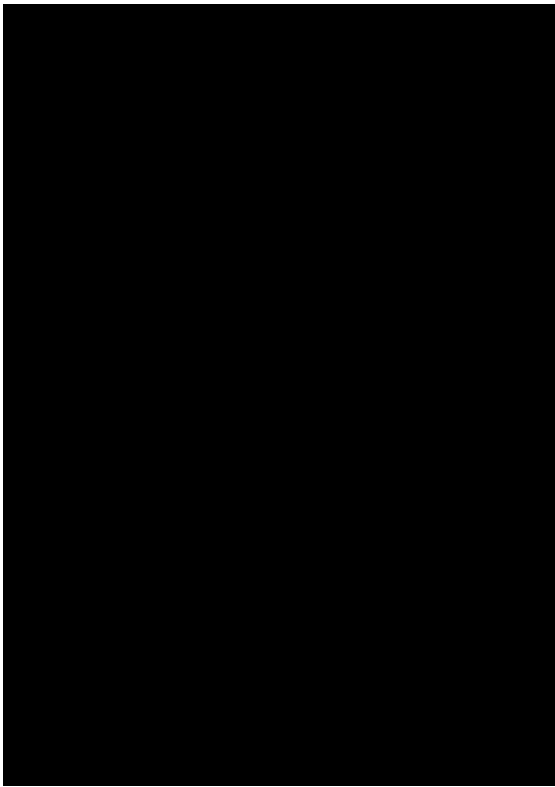
1 Q. (By Mr. Campbell) Okay. Principal of a
2 school?
3 Okay. I wasn't sure if you meant some
4 sort of term of art there.
5 A. No. Principal of a school.
6 Q. Okay.
7 A. That's an example.
8 Q. Okay. Did any Board members individually
9 supervise you?
10 A. No. The Board as a whole supervised me.
11 Q. Okay. Was there anyone, other than the
12 Board, that would -- or who would supervise your
13 decisions?
14 MR. LOPEZ: Objection, form.
15 A. No. Can you clarify? What do you mean? I
16 was the Superintendent. I was the CEO.
17 Q. (By Mr. Campbell) Okay.
18 A. I only had one boss. That was the Board as a
19 whole.



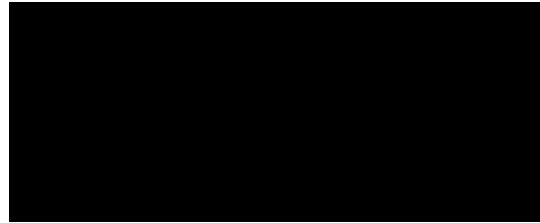
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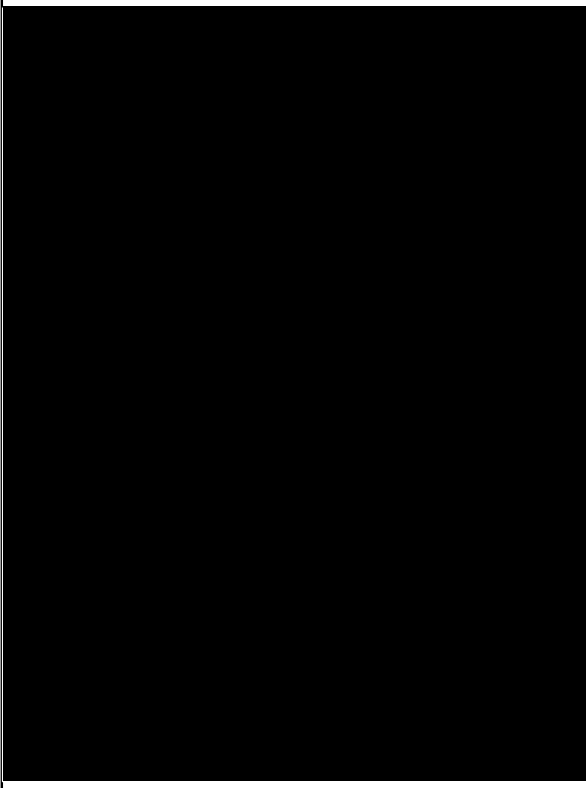
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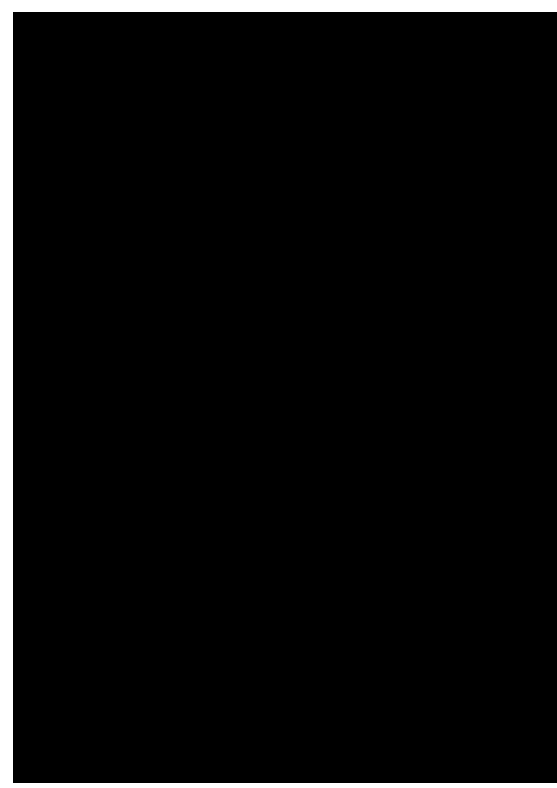
8 Q. Do you recall if you tended to defer to
9 recommendations from a particular person when it came
10 to decisions to terminate an at-will employee?
11 A. So I -- I don't know what that means.
12 Q. If Carmen Darville, for example, said, let's
13 terminate this person, would you generally just defer
14 to her in making that decision to terminate this
15 person?
16 A. If it was my deci- --
17 MR. LOPEZ: At-will -- at-will person?
18 MR. CAMPBELL: At-will, fine.
19 A. If it -- if it was my decision, no. I
20 would -- I would look at -- just because she brought
21 it, I wouldn't just do it. I would look at the facts.
22 She wouldn't bring it to me unless there were, you
23 know, some sort of case.



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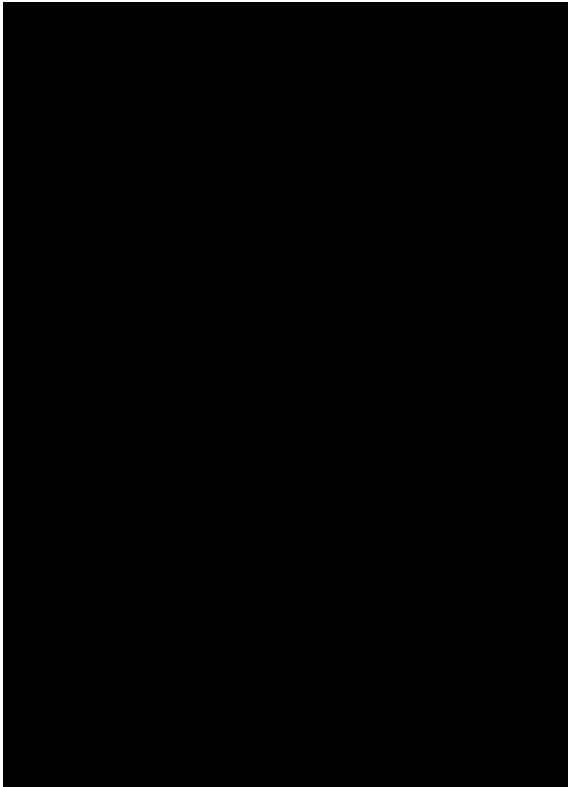
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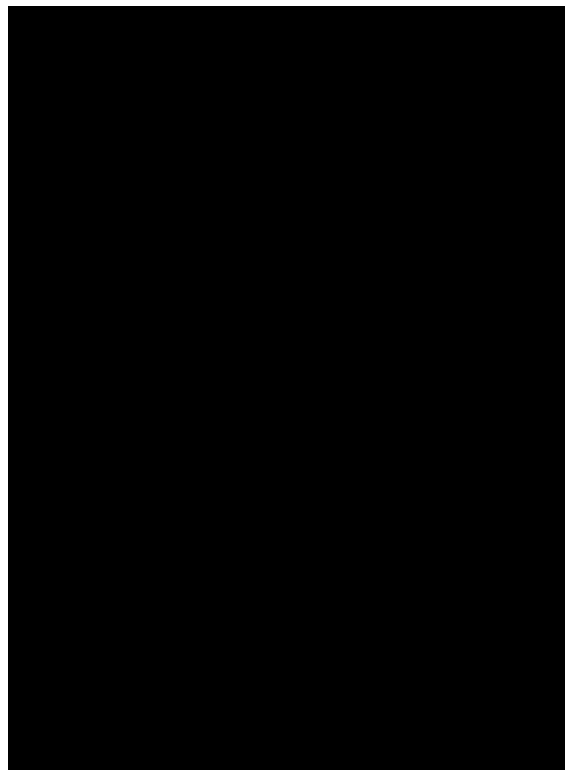
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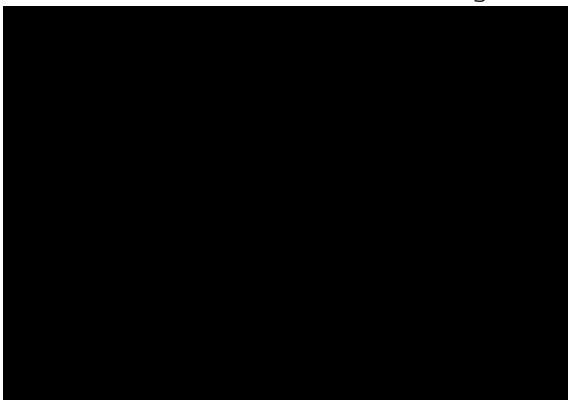
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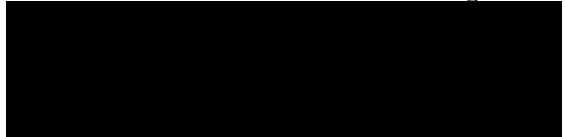
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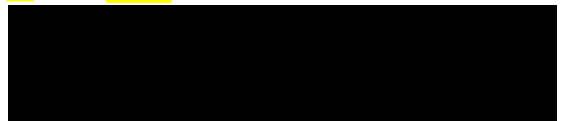
14 Q. An administrative leave is not supposed to be
15 disciplinary, correct?
16 A. Correct.



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5 Q. Have you ever put someone on administrative
6 leave, paid or otherwise, as a disciplinary measure?
7 A. No.
8 Q. Have you ever put someone on -- on
9 administrative leave for leaking something to the
10 press?
11 A. No.
12 Q. Have you ever put someone on administrative
13 leave for reporting something to the government?
14 A. No.



19 Q. Have you ever put some- -- have you ever put
20 someone on administrative leave for going around the
21 chain of command?
22 A. No.
23 Q. Have you ever put someone on administrative
24 leave for trying to contact you about an issue?
25 A. No.

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| | |
|--|--|
| <p style="text-align: right;">Page 47</p> <div style="background-color: black; width: 100%; height: 350px; margin-top: 10px;"></div> <p>25 Q. (By Mr. Campbell) What do you recall the</p> | <p style="text-align: right;">Page 48</p> <p>1 allegations being about in terms of, I guess -- okay. 2 What -- what do you recall were the rumors or the 3 allegations -- whatever you want to refer to them 4 as -- about Tonya Sadler Grayson that came up at this 5 time? 6 MR. LOPEZ: Objection, form. 7 A. You know, I -- I didn't pay much attention to 8 rumors. I -- I know the situation, and I know people 9 described, you know, almost everything as exaggerated 10 or lots of rumor mills that I didn't participate in. 11 So I can tell you what -- you know, what happened, 12 but -- 13 Q. (By Mr. Campbell) Okay. 14 A. -- I can't describe the rumors.</p> <div style="background-color: black; width: 100%; height: 150px; margin-top: 10px;"></div> |
| <p style="text-align: right;">Page 49</p> <div style="background-color: black; width: 100%; height: 60px; margin-top: 10px;"></div> <p>5 Q. Do you -- do you recall in 2014 that -- in 6 mid-2014 that, you know, whatever you call -- whatever 7 you want to call it, allegations arose or you started 8 hearing discussion about DISD supposedly failing to 9 perform background checks -- 10 A. So I re- -- 11 Q. -- on employees? 12 MR. LOPEZ: Objection, form. 13 Go ahead. 14 A. I recall that TEA wanted to look, you know, 15 at the number of employees with or without background 16 checks and that HCM was responding to T- -- TEA to 17 show, you know, who was -- who had current background 18 checks, who didn't, and I remember that whole 19 discussion around that.</p> <div style="background-color: black; width: 100%; height: 100px; margin-top: 10px;"></div> | <p style="text-align: right;">Page 50</p> <div style="background-color: black; width: 100%; height: 350px; margin-top: 10px;"></div> |

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12 Q. Okay. Did Jeremy Liebke contact you about
13 either Tonya Sadler Grayson or her criminal record or
14 HCM's failure to perform background checks on July 16,
15 2014?

16 A. No. I -- I don't believe so.

17 Q. Did someone else re- -- relay a message from
18 him about those topics to you that day?

19 A. No.

20 Q. Your driver, Freddy, didn't?

21 A. No.

22 Q. Did anyone else relay messages from someone
23 else about those issues to you that day?

24 A. About HCM? The background checks?

25 Q. About -- about HCM, the background checks,

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1 about Tonya Sadler Grayson, or any of those topics
2 we've been --

3 A. No.

4 Q. -- touching on?

5 A. I don't think so. I certainly don't remember
6 the specifics of that date.

7 Q. Okay. You don't recall being shown a text
8 message by your driver, Freddy, from Mr. Liebke --

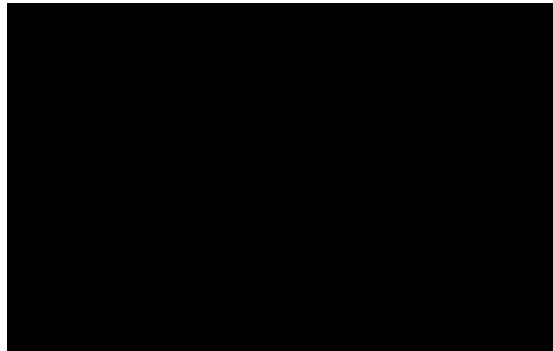
9 A. No.

10 Q. -- asking to meet?

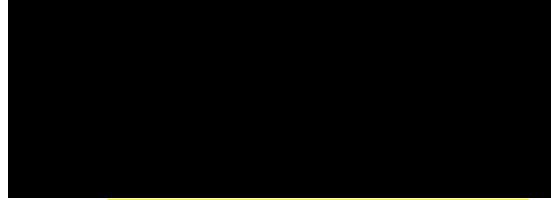
11 A. I've never seen a text --

12 Q. -- or discuss --

13 A. -- message from -- from Mr. Liebke from my
14 driver.



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7 Q. What was your involvement in the decision to
8 place Mr. Liebke on administrative leave?

9 A. I made the decision to place him on
10 administrative leave.



17 Q. Okay. Why did you place him on admin leave?

18 A. I -- I believe Ms. Darville came to me,
19 presented several serious allegations, had some
20 evidence for those allegations, seemingly enough for
21 us to do an investigation.

22 Q. What -- what were the allegations?

23 A. The allegations were -- and I don't remember
24 everything exactly -- but, one, that he had tampered
25 with technology to the point where IT wouldn't be able

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1 to get any information or track e-mails or so that his
2 network and server would be -- PSO's network and
3 server would be out of our system -- the District's
4 system, IT's system, and that he had done it
5 surreptitiously; that he had placed cameras in his
6 trailer that he -- the office building to observe his
7 employees -- and let's see -- that he had -- his --
8 his folks had taped students without their knowledge
9 or -- well, not without their knowledge. It could
10 have been without their knowledge but without the
11 parent request.

12 And there were a couple of other things
13 that he was alleged to have done.

14 Q. Do you remember what those were?

15 A. I'm trying to recall right this second. If I
16 had -- if I can look at a document, I could tell you
17 specifically at the time she brought -- brought them
18 what they were.

19 Q. Do you recall when she brought that evidence --
20 when she brought those allegations to your attention?

21 A. Oh, I don't know the exact date. Sometime in
22 July, that summer of 20- --

23 Q. Would it have been July 17th?

24 A. Yeah, again, if I can look at the document, I
25 could tell you, but it would have been close to this

15 (Pages 51 to 54)

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1 date here.
 2 Q. Do you recall talking with Carmen Darville
 3 about these issues the morning of July 17th?
 4 A. Again, I don't remember the exact date that I
 5 spoke to her.
 6 Q. Do you recall --
 7 A. But I remember talking to her about these
 8 allegations.
 9 Q. Do you recall talking to her, as well as
 10 Tonya Sadler Grayson about these allegations?
 11 A. No. I can't remember Tonya Sadler Grayson.
 12 I remember Carmen Darville talking to me about these
 13 allegations.
 14 Q. Do you recall meeting with either of them or
 15 both of them about these allegations?
 16 A. Carmen Darville --
 17 Q. Okay.
 18 A. -- at least, yes.
 19 Q. Typically how long does it take you to make a
 20 decision to put someone at -- on admin leave?
 21 MR. LOPEZ: Objection, form.
 22 A. It really depends on the situation. It could
 23 be that, you know -- within that very meeting or
 24 discussion.
 25 Q. (By Mr. Campbell) Was that the case in

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1 Mr. Liebke's case?
 2 A. Yes.
 3 Q. Why was that?
 4 A. Well, if the allegations are serious enough
 5 and there's at -- and there's at least some evidence
 6 that this is what happened, we would want to
 7 investigate. We wouldn't want to wait. We wouldn't
 8 want there to be -- you know, we'd want a resolution
 9 pretty quickly or as quickly as we could.
 10 And so, you know, we would put him on
 11 admin leave with pay so that we could start the
 12 investigation.
 13 Q. Okay. And so in your view, these allegations
 14 you can recall -- placing cameras, taping students
 15 interviews without parental consent, I think you said,
 16 and tampering with technology with the District --
 17 those were serious -- serious enough allegations to
 18 place him on admin leave?
 19 A. For sure.
 20 MR. LOPEZ: Objection, form.
 21 A. Yes.
 22 Q. (By Mr. Campbell) Okay. And were there
 23 other -- there were other allegations, though, that
 24 you just can't recall?
 25 A. Yes.

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1 Q. Were those considered in your decision to put
 2 him on admin leave?
 3 A. It's -- it's done in its totality, but just
 4 the IT alone, I would have placed him on admin leave.
 5 Q. What evidence did Carmen Darville give you of
 6 these or the other allegations?
 7 A. I don't remember everything because I -- I
 8 know we did investigations, so we tried to keep the
 9 two separate. But she had evidence that the IT folks
 10 told her that he indeed did tamper with the
 11 technology, and so it was evidence like that.
 12 Q. So --
 13 A. And -- and -- and actually were thwarted
 14 from -- or the two systems actually had been tampered
 15 with.
 16 Q. So there was a statement -- or a statement or
 17 multiple statements from IT employees?
 18 A. Well, that's -- that's what I'm saying. I
 19 can't remember exactly. At the time she provided me
 20 with evidence such -- such as that, and I thought it
 21 was sufficient to put him on admin leave with pay.
 22 Q. Okay. Do you recall any other specific
 23 evidence that you did consider, other than these
 24 statements -- or statement?
 25 A. Let me say, I -- I don't know the details, so

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1 I'd rather not say.
 2 Q. You don't --
 3 A. I don't recall exactly.
 4 Q. Okay.
 5 A. I -- I remember at the time. I'm sorry, but
 6 it was three years ago, so it was hard for me to
 7 re-create everything that she said --
 8 Q. Okay.
 9 A. -- or showed me at the time.
 10 Q. But you do recall that there was other
 11 evidence, other than --
 12 A. Yeah. There was sufficient --
 13 Q. -- these --
 14 A. -- enough evidence on the allegations. For
 15 example --
 16 Q. Okay. Okay. Be --
 17 A. -- I think she told me the cameras were
 18 actually in the building, so that's evidence.
 19 Q. But, I mean, the evidence of the cameras
 20 being there is evidence of what exactly?
 21 A. Evidence that he did not get authority to put
 22 the cameras in and that he installed them on his own.
 23 Q. But the mere fact that the cameras were there
 24 is mere evidence of that?
 25 A. No. She brought -- she -- like I said, I

16 (Pages 55 to 58)

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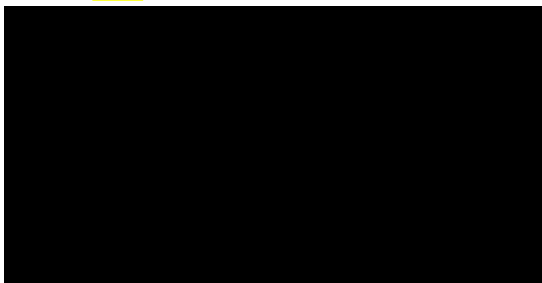
1 can't remember the exact specifics of that day, but
 2 she probably had evidence from facilities management
 3 that he was not authorized and that he, indeed, did
 4 install them and that they were there.

5 Q. She probably had evidence?

6 A. Again, I'm -- I'm saying it's hard for me to
 7 recall the specific evidence that she gave me three
 8 years ago, you know, and that's -- that's what I'm
 9 saying.

10 Q. Okay. And you may have already answered
 11 this, but how far in advance of him being placed on
 12 leave was this meeting?

13 A. Again, I don't know exactly, but it would
 14 have been relatively soon after the meeting that he
 15 would -- would have been placed on administrative
 16 leave.



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1 Q. And you're saying that this IT issue was at
 2 that level, or what -- I mean, that was considered
 3 serious enough to have it -- to have a --

4 A. I don't want to have --

5 Q. -- very quick movement to --

6 A. I don't want to compare it to situations
 7 because every situation is different. I am saying
 8 that this IT -- when Carmen brought it to me, I
 9 thought it was serious enough to put him on
 10 administrative leave fairly quickly.

11 Q. Okay. Do you recall -- the statements from
 12 IT people, do you recall who they were?

13 A. No. Again, I -- I -- I'm saying again that
 14 I'm not very clear on the specifics of that day. You
 15 know, I can speak generally.

16 Q. Okay.

17 A. But --

18 Q. I'm -- I'm just trying to ask more specific
 19 questions --

20 A. Right.

21 Q. -- to see if something does jog your memory.
 22 If you -- if you -- if you do happen to recall
 23 something if I ask something more specific --

24 A. No, I -- I don't recall.

25 Q. Okay. Do you recall one of the allegations

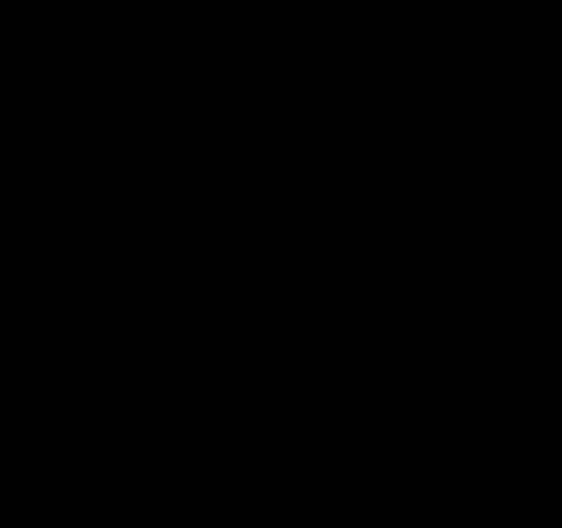
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1 that Carmen Darville brought to your attention being
 2 that Mr. Liebke had tried to contact you about the
 3 background check issue?

4 A. No.

5 Q. Do you recall if one of the allegations was
 6 involving Mr. Liebke trying to contact you about some
 7 other issue?

8 A. No.



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5 Q. Okay. And so the distinction was that
 6 between those cameras and, for example, the cameras
 7 that Mr. Liebke was alleged to have put up was that he
 8 didn't have authorization to put them up?

9 A. That's part of it.

10 Q. What's the rest? I mean, is there another
 11 part of it?

12 A. Yes. Another part is it was clear from my
 13 trying to reform PSO or to create a PSO distinct from
 14 Audit that I didn't want a "big brother" atmosphere
 15 that everybody -- there were several times where I
 16 mentioned that.

17 I don't -- I don't like employees being
 18 worried that the boss -- me or the Cabinet members --
 19 you know, were going to try to listen in on their
 20 private conversations or they couldn't have frank
 21 discussions or things like that.

22 So having cameras everywhere watching
 23 folks, to me, creates a big-brother-type atmosphere
 24 that I don't think is conducive to effective of
 25 work -- workplace behavior, and so getting

17 (Pages 59 to 62)

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1 authorization is important.

2 Q. Okay. Do you recall if Carmen Da- -- Carmen
3 Darville told you that he had bought these cameras on
4 his own from Home Depot or a supply store like that?

5 A. No, I don't remember that. No.

6 Q. If Mr. Liebbe had been placed -- well, let me
7 rephrase. Strike that.

8 If Carmen Darville had come to you with
9 an allegation that Mr. Liebbe had tried to contact the
10 media or you or a government agency about the
11 background check issue that we discussed, would you
12 consider that to be a proper justif- -- a proper
13 reason to put him on admin leave?

14 A. No.



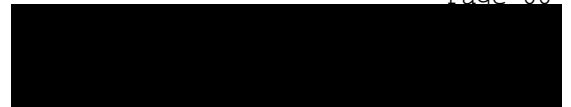
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4 Q. (By Mr. Campbell) Was Mr. Liebbe escorted off
5 of DISD property by DISD police when he was put on
6 leave?

7 A. I believe he was.

8 Q. Why was that?

9 A. Why was he escorted off DISD --

10 Q. By --


11 A. -- property --

12 Q. -- police.

13 A. -- by the police?

14 Q. Yeah.

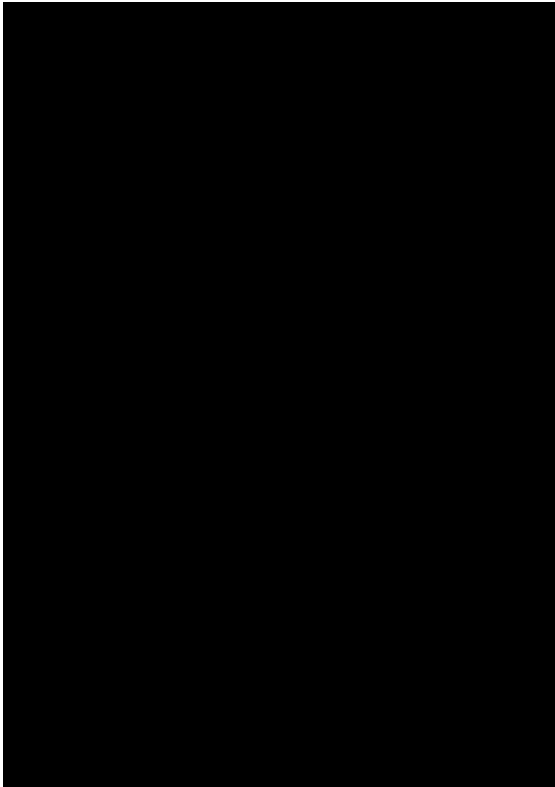
15 A. If I'm not mistaken, they -- they often
16 escort employees who are placed on admin leave.



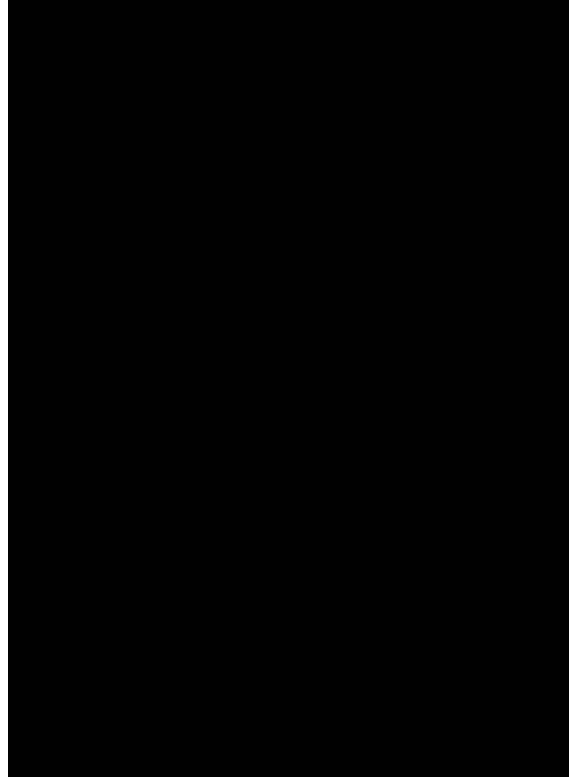
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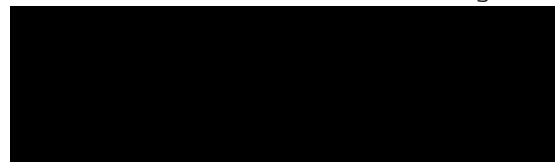
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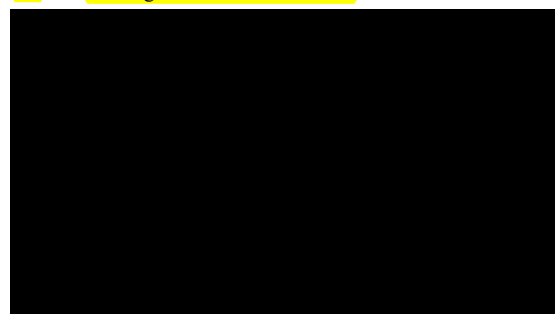
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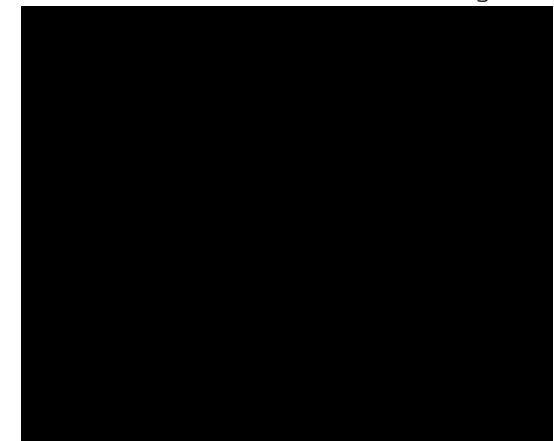
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6 Q. (By Mr. Campbell) And there was an
7 investigation into Mr. Liebbe after he was put on
8 leave, correct?
9 A. Yes.
10 Q. Was there any -- other than, to your
11 knowledge, what Carmen Darville brought to you, was
12 there any investigation into Mr. Liebbe before he was
13 put on leave while he was manager of PSO?
14 A. I don't recall any investigation prior to the
15 investigation after admin leave.



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15 Q. Okay. And so the placement of Mr. Liebbe on
16 administrative leave was high visibility or high
17 importance to you?
18 A. Yes.
19 Q. Why was that?
20 A. Because PSO and Audit, that the whole
21 structure that we were reorganizing was pretty
22 important to me, and the Board had already shown their
23 interest in the old OCR and the Audit Department, so
24 they would have been interested in anything affecting
25 PSO at a high level.

19 (Pages 67 to 70)

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1 Q. Okay.
 2 A. OPR. It was OPR, yeah.
 3 Q. Was there anything in particular that
 4 prompted you to send this e-mail, or was it just your
 5 general sense that this was -- because PSO was
 6 involved, this was going to be an important issue?
 7 A. Well, I'd -- again, I'd been trying to re- --
 8 change PSO, the whole mindset of the District
 9 regarding this "big brother" atmosphere.
 10 Audit was very important. I wanted to
 11 keep the two separate, and the Board had already shown
 12 their interest in Audit Department, so they should
 13 know about it.
 14 Q. Okay. Why -- because Mr. Liebbe was placed
 15 on leave on July 17th and the -- this e-mail was sent
 16 to the Board on July 23rd, was there any particular
 17 reason for the delay in notifying them?
 18 A. No, I don't remember. But, you know, there's
 19 a weekend in between, so I'm not sure that there's
 20 that much of a delay.
 21 Q. Okay. The letter states that the
 22 administration has retained outside counsel to review
 23 this personnel issue.
 24 Is it typical for, in your experience,
 25 DISD to retain outside counsel to review personnel

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1 issues like placing an employee on administrative
 2 leave?
 3 MR. LOPEZ: Objection, form.
 4 A. Again, it depends on the context. We -- we
 5 do it a lot, and so I don't know what typical means.
 6 But we've done it in the past, and it makes sense in
 7 this case, too.
 8 Q. (By Mr. Campbell) Okay. You've -- other
 9 times in the past, when somebody's been put on
 10 administrative leave, you've brought in an outside
 11 counsel to investigate the allegations?
 12 A. Again, it's -- it really depends on the
 13 context.
 14 Q. Oh, I'm just asking if it happened.
 15 A. It -- it does happen --
 16 Q. Okay.
 17 A. -- that we do that, yes.
 18 Q. Okay. And outside counsel in this case that
 19 you're referring to is Mr. Lopez, correct?
 20 A. In this case, yes.
 21 Q. Who made the decision to retain outside
 22 counsel?
 23 A. I -- I, along with Jack Elrod, agreed that we
 24 should go to outside counsel. Ultimately it's my
 25 decision.

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1 Q. Okay. And what did you consider in making
 2 that decision?
 3 A. I always considered the -- the whole context.
 4 In this case, there's -- there may be conflicts of
 5 interest. Since PSO works for Human Capital
 6 Management, it's kind of hard for the Human Capital
 7 Management to review this case directly.
 8 Again, the whole body of PSO and the
 9 Audit, you know, a lot of Board interest, so that
 10 would even encourage me to look at as an objective
 11 party as possible, and outside counsel, in my mind, is
 12 the most objective to do any investigation.
 13 Q. Okay. So objectiveness was a concern of
 14 yours in deciding to --
 15 A. For sure.
 16 Q. -- retain outside counsel?
 17 So were you aware of any kind of previous
 18 relationship between Mr. Lopez and Mr. Liebbe before
 19 you retained him as outside counsel?
 20 A. I actually didn't make the decision around
 21 who conducted the investigation. That's -- that was
 22 left to Jack Elrod.
 23 Q. Oh, you didn't make the decision?
 24 A. I made the decision to go to outside counsel.
 25 Who specifically it would be --

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1 Q. All right.
 2 A. -- that's up to the legal department.
 3 Q. Were you aware that Mr. Lopez and Mr. Liebbe
 4 had spoken on the phone the day that he was placed on
 5 administrative leave?
 6 A. No.
 7 Q. Are you aware that they'd worked together
 8 previously?
 9 A. No.
 10 Q. Is it typical -- strike that.
 11 Have you previously, when assigning
 12 outside counsel to investigate a matter like this,
 13 given the decision about who to assign as outside
 14 counsel to Jack Elrod?
 15 A. Yes.
 16 Q. Okay. So was that your -- was that your
 17 usual practice?
 18 A. Uh-huh, yes.
 19 Q. If you had known that Mr. Lopez and
 20 Mr. Liebbe knew each other previously and worked
 21 together previously, would that have affected your
 22 decision to decide to retain outside counsel?
 23 MR. LOPEZ: Objection --
 24 A. No.
 25 MR. LOPEZ: -- form.

20 (Pages 71 to 74)

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1 Q. (By Mr. Campbell) No?

2 A. No.

3 Q. That doesn't seem at odds to your goal to

4 have an objective outside investigator?

5 A. We have two or three different outside

6 counsel. Jack Elrod assi- -- Elrod assigns them

7 different cases. I trust that the legal department

8 and legal counsel do things legally and objectively.

9 Q. Okay. So you don't -- you don't have any --

10 you don't take any issue with their decision who to

11 choose as outside counsel in this situation?

12 A. No.

13 Q. Okay. It states that outside counsel was

14 retained to review this personnel issue. Do you know

15 when that started -- when the review started, the

16 investigation?

17 A. No. I don't -- I don't know the exact date.

18 Q. Would it have been after July 23rd or before?

19 A. It -- well, it would have been after July 17,

20 but -- so I -- I don't know.

21 Q. But would it have been after -- do you know

22 if it would have been after July 23rd?

23 A. No. I mean, it could -- it could have

24 started right away, but I don't know when it started.

25 Q. Do you re- -- do you recall what date it was

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1 that you met with Jack Elrod about this issue?

2 A. I -- I believe it was the same time that I

3 spoke with Carmen Darville. Very -- you know, very

4 close in proximity.

5 Q. But at the same time -- do you mean at the

6 same meeting?

7 A. At the same meeting or, you know, the same --

8 within a couple hours or a phone call. I can't

9 remember exactly when he talked to me, but, yes.

10 Q. Okay. So you made the decision -- so --

11 and -- and the meetings we're talking about here are

12 the meetings to place Mr. Liebbe on administrative

13 leave and the meetings to retain outside counsel.

14 So those occurred within a couple hours

15 of each other or maybe were the same meeting?

16 A. No. I'm talking about talking to Carmen

17 Darville about what Jer- -- what Jeremy Liebbe has

18 allegedly done. Jack and the -- and whether or not to

19 place him on administrative leave. I can't remember

20 when I talked to Jack Elrod about that, but it would

21 have been very close in time to my talks with Carmen

22 Darville.

23 Q. But it would have been -- would it have been

24 before he was actually placed on leave, Mr. Liebbe?

25 A. It -- it probably would, but I can't remember

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1 exactly when.

2 Q. I think you said that Jack Elrod used maybe a

3 couple different potential outside counsels --

4 A. Uh-huh.

5 Q. -- when he -- when he made the decision. Do

6 you recall who those would be typically, other than

7 Mr. Lopez?

8 A. No. But, I mean, I'm sure if you, you know,

9 went through the files, you could find them, but I

10 don't remember their names.

11 Q. I see in the -- the letter -- or, sorry, the

12 e-mail you say, please contact me directly should you

13 have any questions regarding this matter.

14 Was it pretty typical for you to tell the

15 Board to call you or contact you if they've got

16 questions about a personnel matter like this?

17 A. Yes. I'm their only employee, and so, yes.

18 Q. Okay. Did anyone contact you with questions

19 about this issue?

20 A. I don't -- I don't remember. I don't -- you

21 mean any Board members?

22 Q. A Board member -- it was sent to the Board

23 members, so, yes.

24 A. Yeah. No, I don't remember if any Board

25 member contacted me about it.

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4 Q. So you made the decision to retain outside

5 counsel. Jack -- Jack Elrod made the decision about

6 who to retain as outside counsel. And at that point

7 what was your involvement -- af- -- after that point,

8 rather, what was your involvement in the investigation

9 into Mr. Liebbe?

10 A. I don't think I had any involvement.

11 Q. You didn't provide any directives as to how

12 the investigation was going to be performed?

13 A. No.

14 Q. Who was going to be interviewed?

15 A. No.

16 Q. Okay. You didn't -- did you meet with

17 Mr. Lopez prior to the decision to terminate?

18 A. Prior to the decision?

19 Q. Prior to the decision to terminate.

20 MR. LOPEZ: Can you -- hold on. If --

21 Austin, let's have an agreement that if you won't

22 argue waiver in response to my not objecting to

23 attorney-client privilege, I won't object.

24 MR. CAMPBELL: I'm just asking if he did.

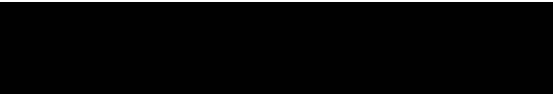
25 I mean -- I mean -- I mean, for all I --

21 (Pages 75 to 78)

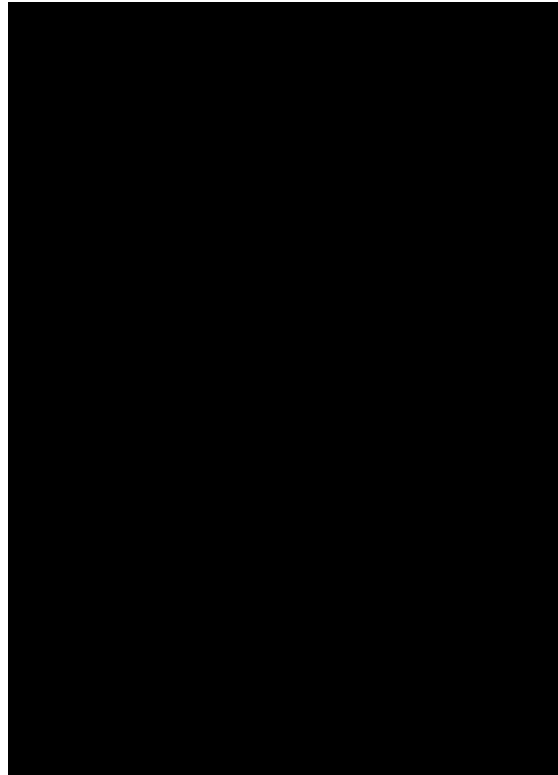
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1 MR. LOPEZ: That's fine.
2 MR. CAMPBELL: For all I know --
3 MR. LOPEZ: Fair enough. Fair enough.
4 No, no. Fair enough for that -- for that one
5 question. I agree.
6 A. So I met with Mr. Lopez and Jack Elrod once
7 the investigation was done and they had that report.
8 Q. (By Mr. Campbell) Okay. So --
9 A. That was prior to the termination.
10 Q. But you didn't meet -- you didn't meet with
11 him -- Mr. Lopez, that is -- between the investigation
12 starting and the termination decision?
13 A. Except for that report --
14 Q. Okay.
15 A. -- which happened before the termination.
16 Q. Okay. Okay. Did you communicate with anyone
17 else about Mr. Lopez's investigation while it was
18 going on?
19 A. No.
20 Q. Didn't share your opinions about how it was
21 going or anything like that with anyone?
22 A. No.



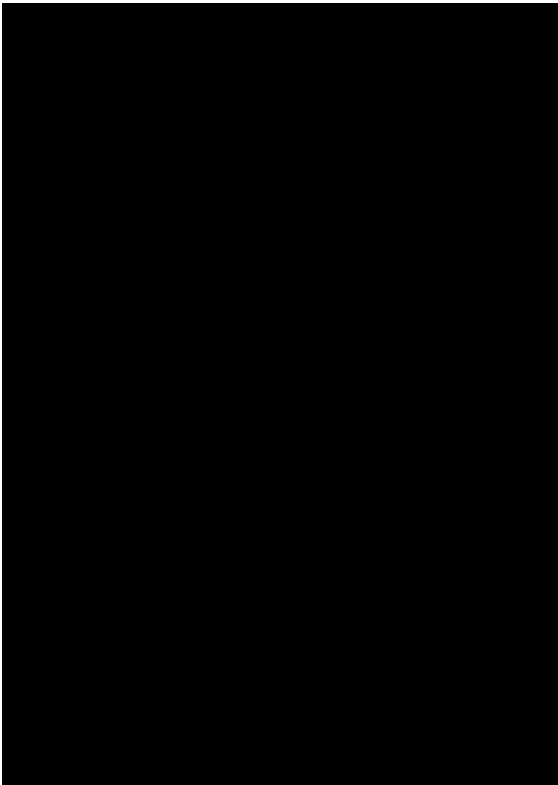
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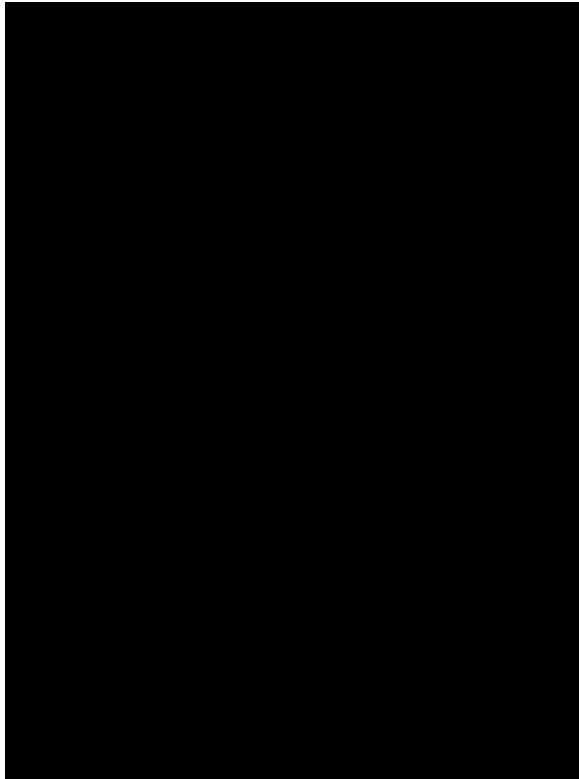
22 (Pages 79 to 82)

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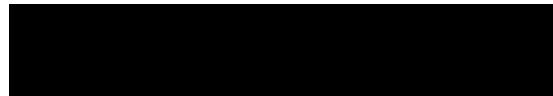
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4 (Deposition Exhibit No. 5 was marked.)
 5 Q. (By Mr. Campbell) What -- what is this?
 6 A. It's hard to say what this is. There's no
 7 "To" line; there's no "cc." It appears to be from
 8 Carmen Darville, and it's a series of bullet points on
 9 allegations related to Jeremy Liebbe.
 10 Q. Have you seen this before?
 11 A. I saw this yesterday.
 12 Q. That was the first time you saw it?
 13 A. Yes.
 14 Q. Does -- the CRD, that appears to be Carmen
 15 Darville's initials?
 16 A. I don't know. I -- I mean, I can assume that
 17 it is, but I don't know.
 18 Q. Does this appear to be a list of allegations
 19 against Mr. Liebbe? I mean --
 20 A. JL with -- against JL, so it's -- yeah, I
 21 think Jeremy Liebbe.
 22 Q. From your recollection of what you and Ms.
 23 Darville discussed before Mr. Liebbe was put on leave,
 24 are these the allegations that she brought to your
 25 attention?

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1 A. Some of them are, and so --
 2 Q. Okay.
 3 A. The ones that I related to you earlier.
 4 Q. Are there any that are new or different?
 5 A. So I don't remember all the allegations of
 6 that day, but, yes, some of these are not something I
 7 would have known at that time.
 8 Q. Like what?
 9 A. So I -- I don't remember the last bullet, for
 10 example. She may have talked about it. I don't
 11 remember that.
 12 Q. Are there any others that you don't recall?
 13 A. Oh, let's see. I don't remember the fourth
 14 bullet. The third bullet is, you know, similar, but
 15 not exactly what I recall her talking to me about. I
 16 don't remember the fifth bullet being talked about by
 17 Carmen with me.
 18 Q. And the others?
 19 A. I'm -- I'm looking at them.
 20 Like I said, the last bullet, I don't
 21 remember. And the others are very -- are -- you know,
 22 we can argue about the wording or something, but
 23 generally speaking, I think she spoke to me about.
 24 Q. The bullet points six, seven, and eight, you
 25 mean, are similar to what she talked to you about?

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1 A. No. I said the last bullet, number eight,
 2 she did not -- I don't remember her mentioning that
 3 one. And for example, on bullet number seven, the
 4 second to the last one --
 5 Q. Okay.
 6 A. -- that -- you know, I don't remember who --
 7 you know, I don't know of anything about Antoinette,
 8 but I remember someone being -- someone assisting him
 9 in disconnecting the server.
 10 Q. So then the only difference between -- the
 11 only real -- I guess the only real major difference
 12 between the second to the last bullet point about
 13 Antoinette Saade and what Carmen told you was that,
 14 you know, Carmen Darville, I'm assuming didn't mention
 15 he took one of his "Hot" investigators to the IT
 16 department?
 17 A. No. So, for example, we can parse
 18 everything. I don't remember her telling me that
 19 Tonya was the one that Jeremy Liebbe told. I just
 20 remember that Carmen talked about Jeremy Liebbe going
 21 to technology department to distract -- using somebody
 22 to distract the IT guys so that he could remove the IT
 23 rights from the -- from the server.
 24 That's the gist of that bullet, and
 25 that's what I'm talking about.

23 (Pages 83 to 86)

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1 Q. And that's what you --
 2 A. I don't remember her talking about Tonya --
 3 that Je- -- that Jeremy had told Tonya that this was
 4 done. Whether he did or not, I -- I don't know.
 5 Q. Wouldn't that be relevant to bring up in a
 6 meeting like that if she was going bring evidence to
 7 your attention?
 8 A. Like I said, I don't -- I don't remember all
 9 of the evidence that she brought.
 10 Q. Right, but is --
 11 A. So how she found out or the evidence she
 12 brought that he had indeed tampered with the server,
 13 she could have told me about, you know, an IT person
 14 saying that this was indeed done, the person whose
 15 view was blocked. So that's relevant.
 16 Q. Okay. But, again, you don't recall her --
 17 her giving you a statement from Tonya Sadler Grayson
 18 about this or Tonya Sadler Grayson participating in
 19 that meeting?
 20 A. Right.
 21 Q. Okay. Bullet point five, which is,
 22 Allegation that on or around 7/16, JL used authority
 23 to share evidence about Tonya Sadler Grayson with
 24 Freddy, Superintendent Mike Miles' driver, in an
 25 attempt to get Freddy to share the information with

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1 Mr. Miles.
 2 Do you know whether that might be on
 3 this?
 4 A. I don't know.
 5 Q. Why -- and this appears to be prepared by
 6 Carmen Darville, correct?
 7 A. Correct.
 8 Q. Why would Carmen Darville put this on the
 9 list if, as you say, you know, Mr. Liebbe never tried
 10 to contact you directly or through Freddy?
 11 A. I don't know.
 12 Q. If it -- how would -- I mean, would you --
 13 are you saying that this was made up by Carmen
 14 Darville --
 15 MR. LOPEZ: Objection --
 16 Q. (By Mr. Campbell) -- or you have no idea
 17 where this is coming from?
 18 MR. LOPEZ: Objection, form.
 19 A. No. I -- I don't know why it's there.

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[REDACTED]

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[REDACTED]

24 (Pages 87 to 90)

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3 Q. (By Mr. Campbell) Okay. And so when -- when
 4 Carmen -- you and Carmen met, she didn't give you any
 5 kind of paper list or any --
 6 A. No.
 7 Q. -- notes?
 8 But there was evidence of some sort in
 9 those statements?
 10 A. Yes.
 11 Q. Were those in writing, or did she --
 12 A. No.
 13 Q. -- just relay them to you?
 14 A. She just relayed them to me.
 15 Q. Okay.
 16 A. I don't remember any documents.
 17 Q. There were no -- no recordings, no -- nothing
 18 like that?
 19 A. No.
 20 Q. Do you know if any of these allegations
 21 against Mr. Liebke were investigated by Carmen
 22 Darville or anyone else?
 23 A. Only during the investigation, in the
 24 investigation report.

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8 Q. (By Mr. Campbell) Okay. After Mr. Liebke was
 9 put on administrative leave, do you recall speaking
 10 with Carmen Darville about the investigation into him
 11 or anything else about his leave?
 12 A. No.
 13 Q. Do you recall speaking with Tonya Sadler
 14 Grayson about Mr. Liebke's leave or the allegations
 15 against him after he was put on leave?
 16 A. No.
 17 Q. Did you speak with the Board after Mr. Liebke
 18 was put on leave?
 19 A. Just the e-mail to the Board.
 20 Q. You just communicated with them via e-mail --
 21 A. Yes.
 22 Q. -- about Mr. Liebke --
 23 A. I -- we might have mentioned it. You could
 24 probably look at their records at the Board meeting
 25 that I said I would tell them about. I don't

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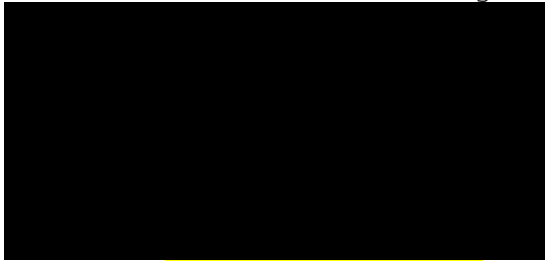
1 remember, but --
 2 Q. Okay. So, yeah, you did --
 3 A. -- there probably were minutes or something.
 4 Q. Yeah. You did -- we'll get to that in a
 5 minute.
 6 You did speak to them at that Board
 7 meeting about Mr. Liebke?
 8 A. I -- I don't remember, but because I said we
 9 would talk about it in the August meeting, we probably
 10 did.
 11 Q. That would have been August 14th?
 12 A. Yes.
 13 Q. Okay.
 14 A. But the minutes would reflect --

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25 (Pages 91 to 94)

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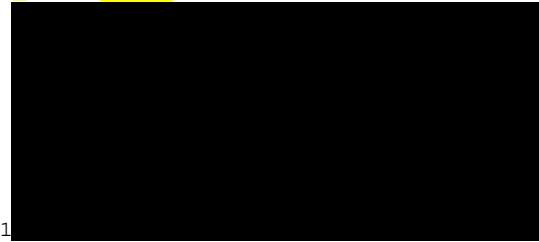
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9 And is there any part of this Briefing
10 Agenda and Notice that refers specifically to whether
11 it was intended to refer to Mr. Liebke's placement on
12 leave?
13 A. You mean is there anything in writing here
14 that talks about Mr. Liebke?
15 Q. Any of these -- are any of these topics on
16 this agenda meant to cover the admin- -- Mr. Liebke's
17 administrative leave?
18 A. Yes. So that would have been probably in
19 closed session, 4-A.
20 Q. 4-A?
21 Okay. Not 4-B?
22 A. I'm not sure which -- which one 4-B is
23 referring to, but it could have been.
24 Q. All right. So either 4-A or 4-B --
25 A. Yes.

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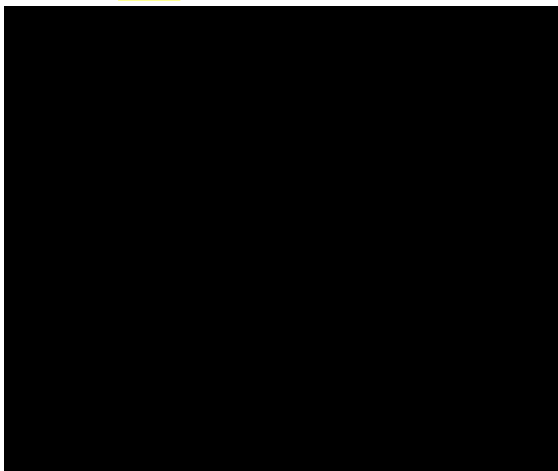
1 Q. -- could be referring to Mr. Liebke?
2 A. Yes.



11 Q. Okay. Do you recall telling the Board that
12 you placed Mr. Liebke on administrative leave for no
13 appropriate cause?
14 MR. LOPEZ: Objection, form.
15 A. For no appropriate cause? I -- I don't do
16 that.
17 Q. (By Mr. Campbell) Or similar words without
18 appropriate or no good cause?
19 A. No. I -- well, I don't remember. Like I
20 said, my recollection of talking to the Board about it
21 at this session is pretty vague, but I don't -- I
22 would not have said that, and I don't put people on
23 administrative leave for no cause.
24 Q. Do you recall saying that to a Board member
25 or to the Board on some other occasion?

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1 A. No.
2 Q. Do you recall a Board member remarking to you
3 on this occasion during this meeting that you were
4 engaging in a fishing expedition against Mr. Liebke?
5 MR. LOPEZ: Objection, form.
6 A. I don't remember that.
7 Q. (By Mr. Campbell) Do you recall a Board
8 member making that remark to you at some other
9 occasion?
10 A. No.



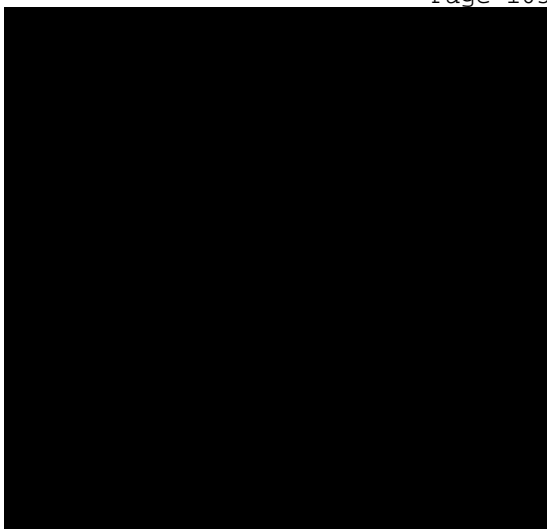
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26 (Pages 95 to 98)

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18 Q. Okay. But you don't -- you don't happen to
19 recall it being something that caused a problem for
20 you that you felt like this was a pain having to deal
21 with this or anything like that?
22 A. You know, we -- we generally tried to focus
23 on what we were supposed to do without regard to media
24 because if I -- if I did everything based on what the
25 media was doing, I'd never get any real work done.

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1 Q. You didn't -- you didn't --
2 A. You've never been to Board meetings? I mean,
3 there's --
4 Q. I got you.
5 A. -- lots of people who are, you know, not
6 happy with you.
7 Q. Okay. You didn't -- would you prefer if
8 Mr. Liebbe hadn't gone to those meeting or this
9 meeting or whatever meeting you did see him at?
10 A. It didn't make any difference to me at all.
11 Q. Okay. Do you recall seeing him with someone
12 or talking to people at the meetings that you did see
13 him at?
14 A. No, I -- I don't remember.
15 Q. Do you recall him being with his attorney at
16 the time, Pete Schulte?
17 A. I -- I don't think I could recognize Mr.
18 Schulte.
19 Q. At the meetings that you did see him
20 attend -- or the meetings that you did see him attend,
21 did you believe he was going to be speak -- going to
22 speak at any of those meetings?
23 A. No. It's just I saw him and didn't pay much
24 attention. That's it.
25 Q. Did he speak at any of those meetings?

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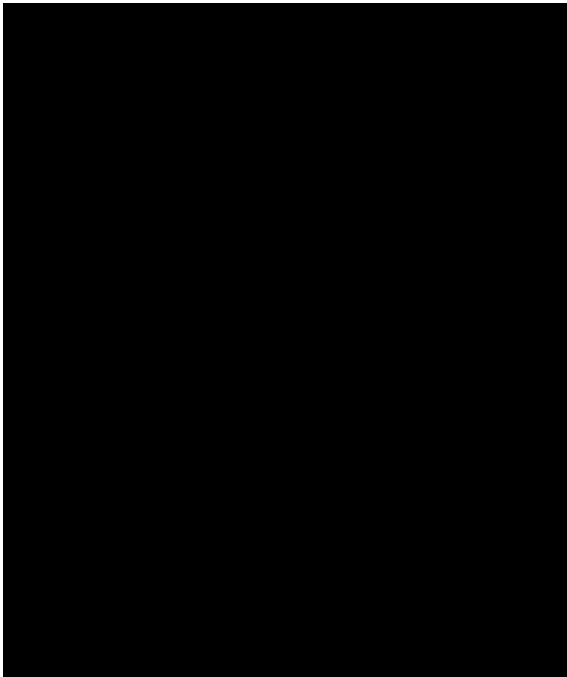
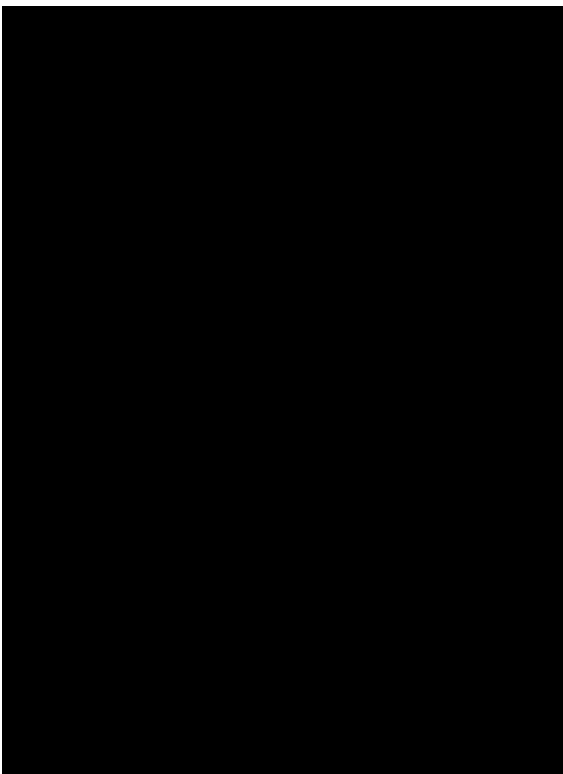
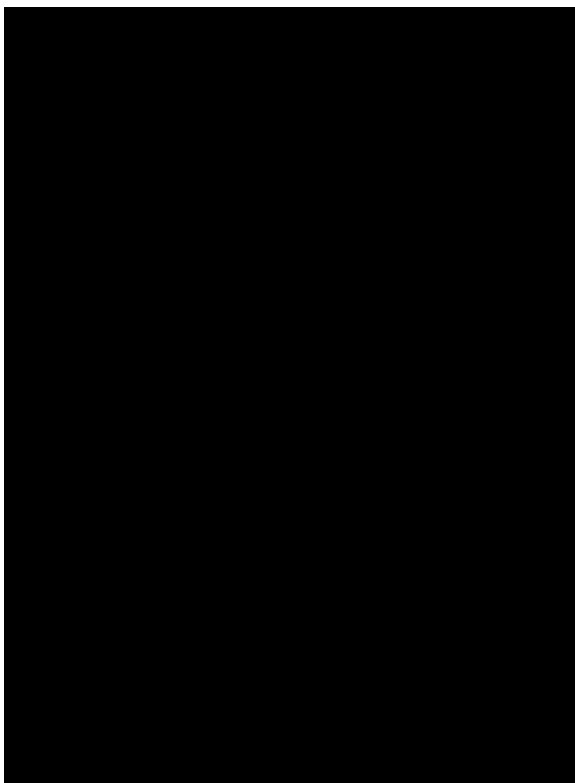
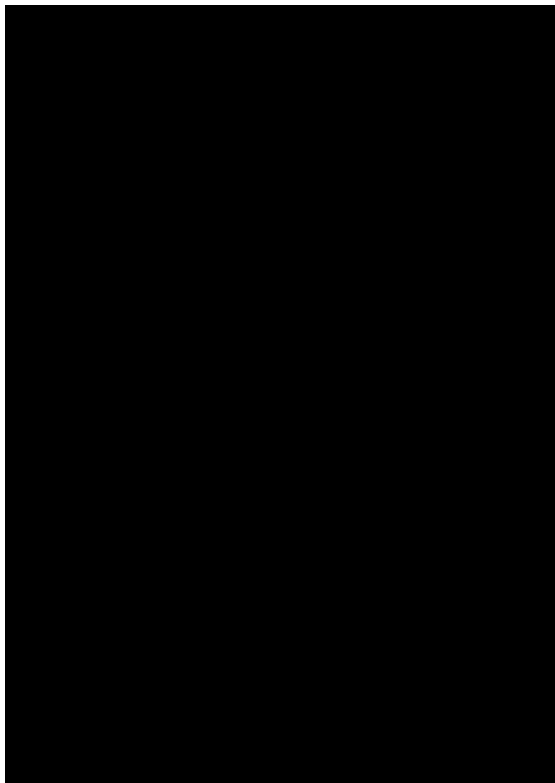
1 Q. Mr. Liebbe was at this Board meeting on
2 August 14th, correct?
3 A. I don't remember.
4 Q. You don't recall seeing him there?
5 A. No, not any -- at -- not at a specific Board
6 meeting. He may have -- may have been.
7 Q. You don't recall making eye contact with him
8 there?
9 A. I remember Mr. Liebbe being at a couple of
10 Board meetings or work sessions but not any specific
11 one.
12 Q. While he was on leave?
13 A. I -- I don't remember when Mr. Liebbe was at
14 a work session or Board meeting, but I do remember
15 seeing him at a couple of them.
16 Q. Do you recall your reaction to seeing him at
17 those meetings?
18 A. Kind of, like, amused that he was looking at
19 me.
20 Q. Okay. Can -- what do you mean by that?
21 A. You know, you have someone who's sitting
22 there, staring at you, it's, to me, you know, a little
23 amusing.
24 Q. Not upsetting?
25 A. No.

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1 A. I don't think so.
2 Q. Would you prefer if he didn't go to meeting
3 in the future?
4 A. It wouldn't matter to me one way or the
5 other.
6 Q. Do you recall if -- in this meeting or some
7 other meeting if you made remarks -- or if you talked
8 to the Board about the allegation about -- against
9 Mr. Liebbe about recording student interviews? Let me
10 rephrase -- let me rephrase that. Sorry. Strike
11 that.
12 Do you recall if at this Board meeting or
13 some other Board meeting that you brought up the
14 allegation that Mr. Liebbe had supposedly recorded
15 student interviews without parental consent to the
16 Board?
17 A. I don't -- I don't remember the specifics of
18 that meeting with the Board. Sorry, that was quite a
19 while ago.
20 Q. And you don't recall meeting with the Board
21 about Mr. Liebbe on any other date?
22 A. No, I don't.
23 Q. Do you recall meeting with any Trustees about
24 Mr. Liebbe at any other date?
25 A. No.

28 (Pages 103 to 106)

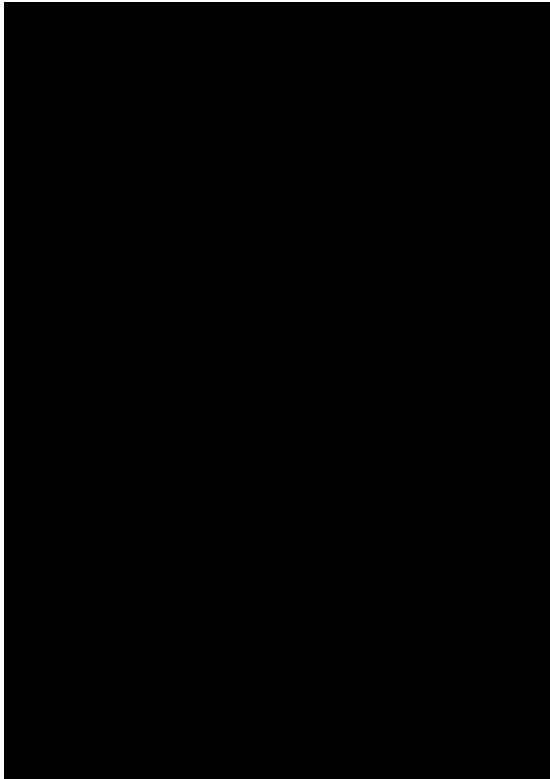
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| | |
|--|--|
| <p style="text-align: right;">Page 107</p> <p>1 Q. Or communicating with them otherwise --</p> <p>2 e-mail or phone or --</p> <p>3 A. I don't.</p>  | <p style="text-align: right;">Page 108</p>  |
| <p style="text-align: right;">Page 109</p>  | <p style="text-align: right;">Page 110</p>  |

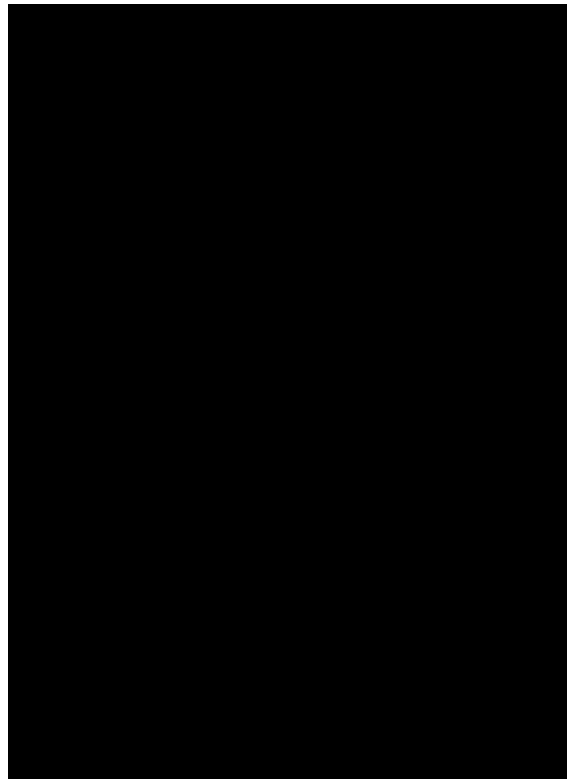
29 (Pages 107 to 110)

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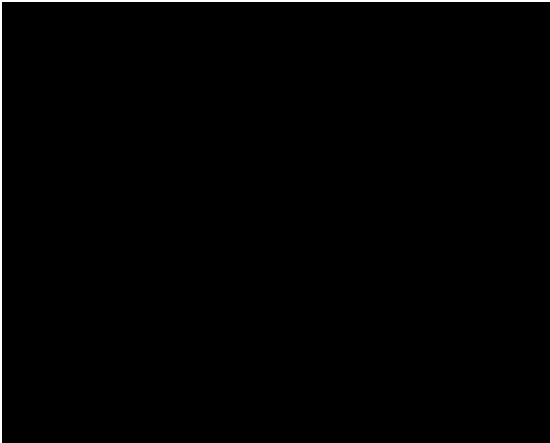
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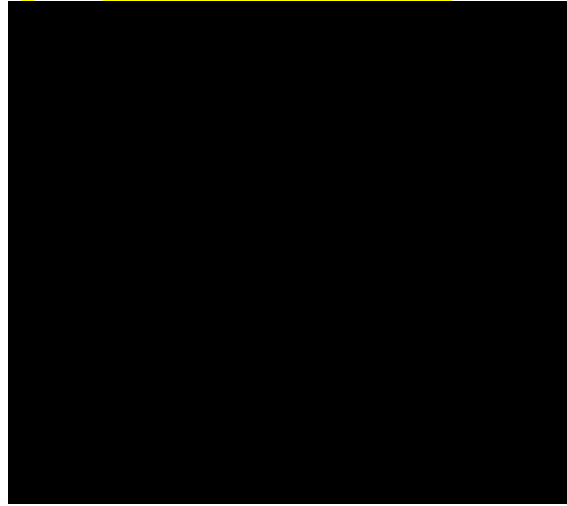
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15 Q. (By Mr. Campbell) Do you know why this letter
16 was sent to Mr. Liebbe's counsel?
17 A. No. I mean, I -- it appears, just having
18 read the exhibits, that it was put in his letter. He
19 came on campus. They just reminded him not to.
20 Q. Do you think it's fair to say that this is an
21 attempt -- regardless of who sent it, as you read it
22 today, do you think it's fair to say this was an
23 attempt to discourage Mr. Liebbe from attending Board
24 meetings?
25 MR. LOPEZ: Objection, form.

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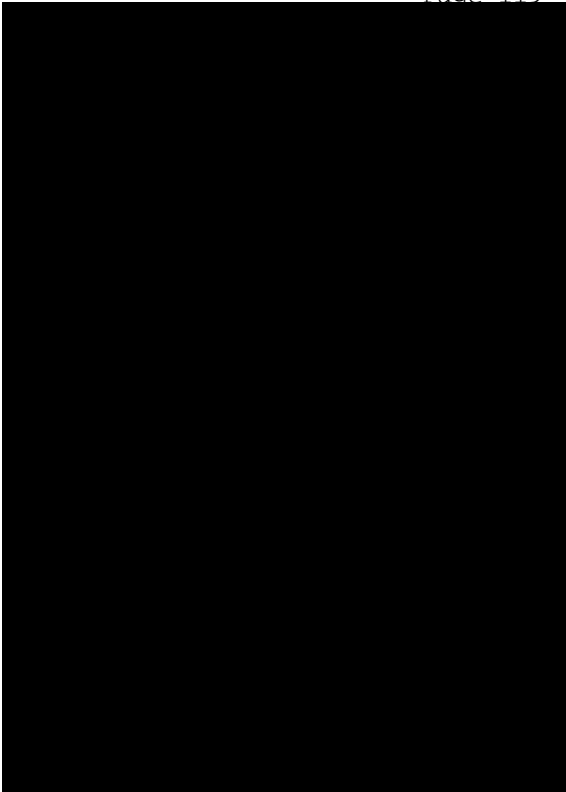
1 A. No. Again, I think it was an attempt to
2 remind him of what his termination letter said and
3 what the practice in the District was. That's all it
4 was. I -- reading it today, that's -- that's all I
5 think it is.
6 Q. (By Mr. Campbell) To your knowledge, did
7 Mr. Liebbe go on DISD property while on administrative
8 leave, other than this August 14th meeting?
9 A. I -- I don't know whether he did or not.



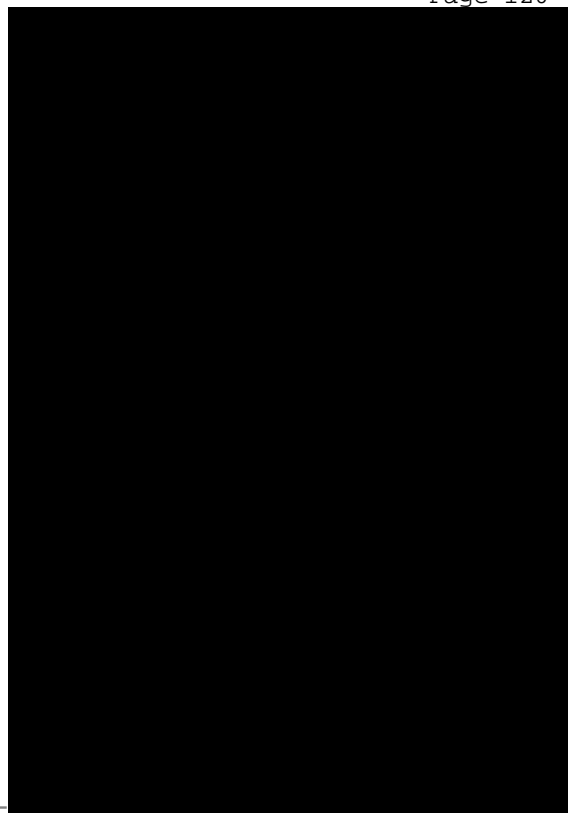
30 (Pages 111 to 114)

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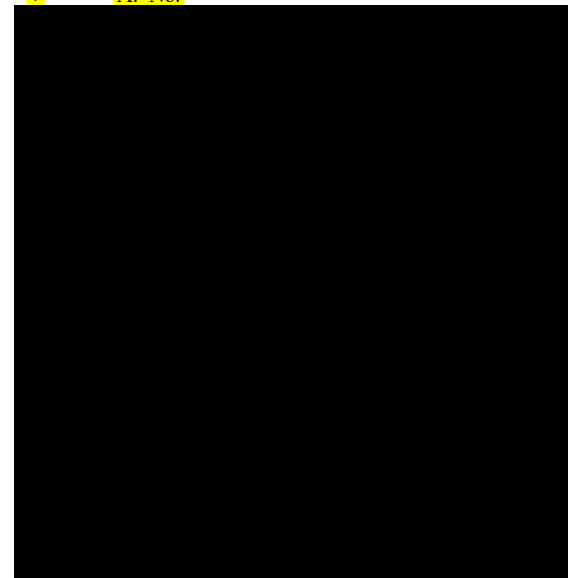


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1 Q. (By Mr. Campbell) And what are these
2 exhibits?
3 A. So No. 10 seems to be a letter from Jeremy
4 Liebbe to the Texas Education Agency dated August 26,
5 and No. 11 is a letter from Jeremy Liebbe to Board of
6 Trustees dated September 3rd.
7 Q. Have you seen these before?
8 A. I believe -- because I -- I believe I perused
9 them quickly yesterday.
10 Q. That's the first time you saw them --
11 A. Yes.
12 Q. -- yesterday?
13 So it was in preparation for this
14 deposition --
15 A. Yes.
16 Q. -- that you, okay, first saw them?
17 What was your reaction upon reading
18 these?
19 A. I didn't -- I didn't read them closely. I
20 didn't have much of a reaction. It's somebody
21 contacting, you know, TEA about a concern, and
22 somebody contacted the Board about a concern. We have
23 lots of those.
24 Q. Have -- do you recall hearing this -- these
25 letters discussed by Board members prior to

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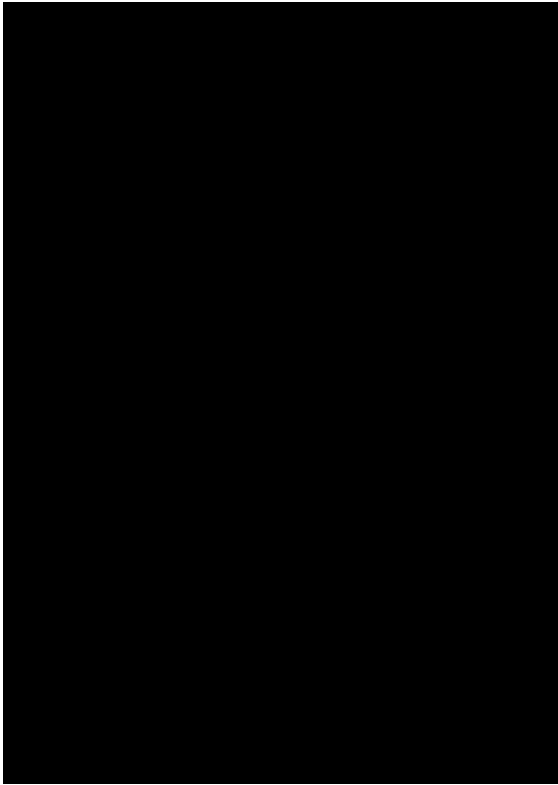
1 Mr. Liebbe's termination?
2 A. No, I don't.
3 Q. Do you recall other DISD employees, Carmen
4 Darville or someone else, discussing this with you,
5 even if you didn't see the letters prior to
6 Mr. Liebbe's termination?
7 A. No.



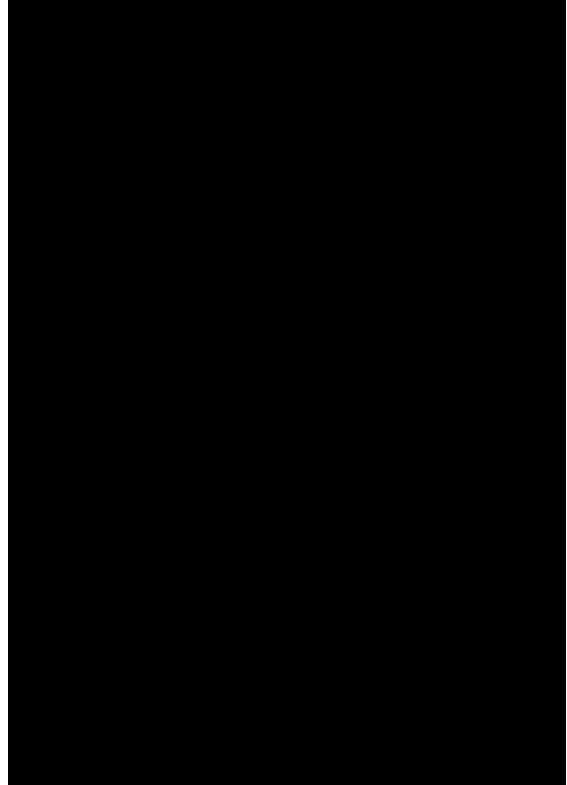
32 (Pages 119 to 122)

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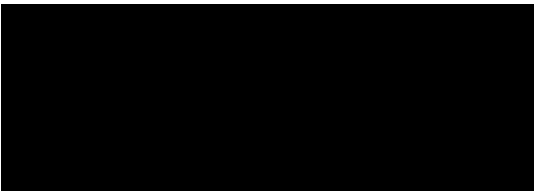
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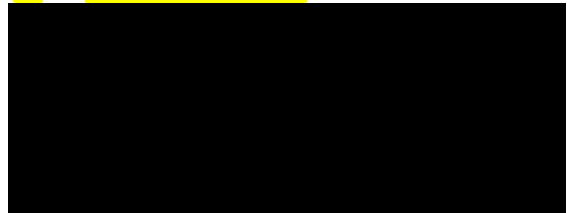
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7 Q. (By Mr. Campbell) Okay. The mee- -- the
 8 letter states that Mr. Liebbe's an at-will employee,
 9 correct?
 10 A. Yes.
 11 Q. And it states, More specifically, you are
 12 being terminated because of the following specific
 13 reasons and conduct, all of which individually and
 14 collectively violate District policy.
 15 You were the recent subject of an
 16 investigation. The investigation substantiated
 17 allegations that you acted outside the scope of your
 18 role of Manager of the Professional Services --
 19 Professional Standards Office.
 20 Is that an accurate description of the
 21 reason he was fired?
 22 A. This right here?
 23 Q. Yeah. The statement here. Because the --
 24 the -- it states, You were terminated because of the
 25 following specific reasons which individually and

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1 collectively violated District policy.
 2 You were the subject of a recent
 3 investigation. The investigation substantiated
 4 allegations that you acted outside the scope of your
 5 role of Manager of Professional Service [sic] Standard
 6 Office.
 7 Is it your understanding that that's the
 8 reason for his termination?
 9 A. It said the reason for his termination was
 10 because the investigation was substantiated, yes.
 11 Q. Okay.
 12 A. And that investigation has very specific
 13 allegations in it.
 14 Q. Allegations that he acted outside the scope
 15 of his role?
 16 A. So that the reason why I'm being careful in
 17 my language, because that's so broad. The
 18 investigation itself outlines specific allegations for
 19 which he was terminated.



33 (Pages 123 to 126)

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4 Q. Who made the decision to fire Mr. Liebbe?
 5 A. I did.
 6 Q. When did you make that decision?
 7 A. After I read the investigation and was
 8 briefed on it.
 9 Q. That would have been the afternoon of
 10 September 5th?
 11 A. And, again, I don't know the hour, so
 12 sometime on September 5th, I believe.
 13 Q. Was anyone else involved in your decision to
 14 fire Mr. Liebbe?
 15 A. So the people who did the investigation.
 16 Q. Mr. Lopez and his firm?
 17 A. And -- and Jack Elrod was there.
 18 Q. They -- they were involved in the
 19 decision-making process?
 20 A. And -- well --
 21 MR. LOPEZ: Objection, form.
 22 A. -- so involvement, does that he mean provided
 23 me information and providing that? So, yes. But as
 24 far as the decision, it's my decision, and I take that
 25 pretty seriously, and I -- the buck stops with me.

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1 Q. (By Mr. Campbell) And what did you consider
 2 in your decision to fire Mr. Liebbe?
 3 A. The investigation.
 4 Q. By "the investigation," do you mean the
 5 Report of Investigation?
 6 A. Yes.
 7 Q. Are there any other documents you considered?
 8 A. No. That was it.
 9 Q. That's the only document you considered?
 10 A. Yes.
 11 Q. There are no other factors -- not other
 12 documents but no other factors that you considered in
 13 making the decision to fire Mr. Liebbe?
 14 A. The -- the documentation was pretty clear,
 15 and the investigation -- the only factors are in the
 16 investigation.
 17 Q. Mr. Liebbe's attendance at the August 14th --
 18 Mr. Liebbe's attendance at the August 14th Board
 19 meeting or any other Board meeting, would that play a
 20 role in his termination?
 21 A. Not at all.
 22 Q. Did his August 26th letter to the TEA play
 23 any role in his termination?
 24 A. No.
 25 Q. Did his September 3rd, 2014 letter to the

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1 Board play any role in his termination?
 2 A. No.
 3 Q. Did his attempt -- or did any attempt by him
 4 to contact you about a background check issue prior to
 5 his being put on leave play any role in his
 6 termination?
 7 A. No.
 8 Q. This termination letter, is this fairly
 9 standard, as -- as far as termination letters go?
 10 A. Yes, I would say so.
 11 Q. They're usually pretty short like this?
 12 A. Yes.
 13 Q. Are you aware if he was given more
 14 information than what was in this letter at his
 15 termination meeting?
 16 A. No.
 17 (Deposition Exhibit No. 13 was marked.)
 18 Q. (By Mr. Campbell) What is this?
 19 A. This is the Investigation Report on Mr.
 20 Liebbe.
 21 Q. And you've seen it before?
 22 A. Yes.
 23 Q. And you've seen this particular version of it
 24 before?
 25 A. I don't -- I mean, I have to -- I don't know

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1 of any other version. I'm not sure what you mean.
 2 Q. You're not aware of earlier versions, earlier
 3 drafts of this?
 4 A. No. I mean, I haven't --
 5 Q. You weren't --
 6 A. I mean, I'm -- facing this copy right now,
 7 but it looks to be the -- the investigation report.
 8 I -- I only know of one version.
 9 Q. The version that you are aware of did not
 10 include a date?
 11 A. Correct. That -- well, I don't know if it
 12 had a date or not.
 13 Q. So it might have been had a date?
 14 A. I don't remember seeing a date.
 15 Q. Okay. And you reviewed this on, again,
 16 September 5th -- on the afternoon of September 5th?
 17 A. I don't know the time.
 22 Q. Okay. How long was the meeting in which you
 23 made the decision to terminate Mr. Liebbe?
 24 A. I don't remember how long it was.
 25 Q. Less than 30 minutes?

34 (Pages 127 to 130)

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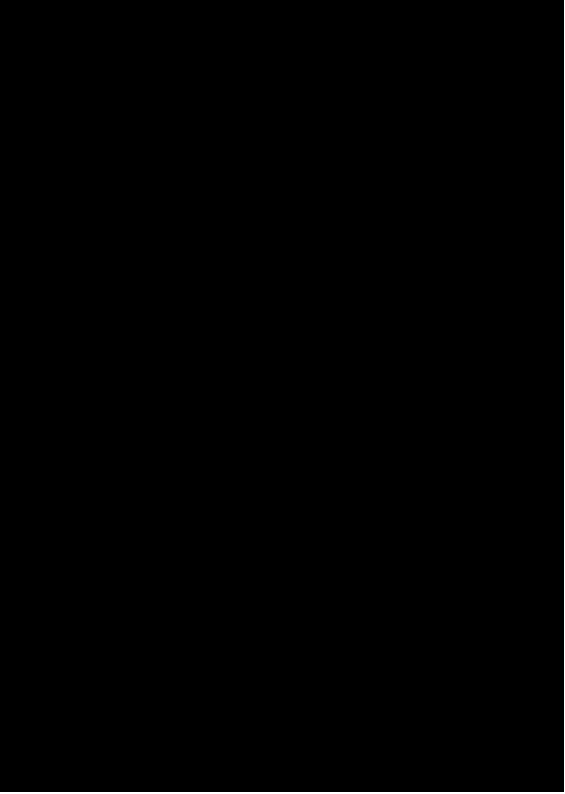
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1 A. No. I -- probably more, but I don't -- I
 2 don't remember.
 3 Q. More than 45 minutes? I'm trying to get
 4 some -- some kind of a ballpark.
 5 A. An hour. Probably an hour. I don't --
 6 again, I don't remember.
 7 (Deposition Exhibit No. 14 was marked.)
 8 Q. (By Mr. Campbell) What is this?
 9 A. This is a -- appears to be an e-mail from me
 10 to the Board regarding Jeremy -- Jeremy Liebbe's
 11 termination.
 12 Q. And it was sent at 6:42 p.m. on September
 13 5th?
 14 A. Yes, it would appear so.
 15 Q. Is this an accurate copy of your e-mail to
 16 the Board?
 17 A. I would assume that it is.
 18 Q. And you see it states, This afternoon, Carlos
 19 Lopez, the outside counsel investigating allegations
 20 against Jeremy Liebbe, briefed Carmen Darville and me
 21 on the outcome of that investigation.
 22 That's -- that's accurate on the
 23 afternoon of September 5th?
 24 A. Again, I'm going to assume that everything in
 25 here is accurate.

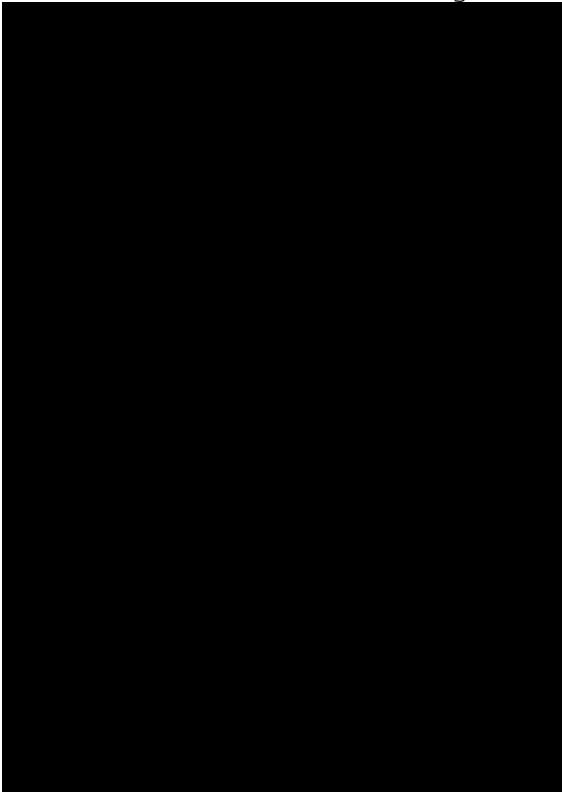
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1 Q. And he was fired -- and so, therefore, when
 2 it says, Jeremy Liebbe was fired at approximately 6:00
 3 p.m., that's accurate?
 4 A. Yes.
 5 Q. Okay. And so was it fairly typical for you
 6 to send an e-mail less than 45 minutes after an
 7 employee's termination to the Board?
 8 A. I don't -- I don't know what you mean by 45
 9 minutes, but it's -- and everything is case dependent.
 10 Q. Oh.
 11 A. And in this case, it would not seem odd to me
 12 to send an e-mail about the termination to the Board.
 13 Q. Okay. Why is that?
 14 A. Again, because, PSO was an interest.
 15 Auditing was an interest to the Board. So they would
 16 have wanted to know. If there are media comments
 17 about it, they would want to know. So, no, it's not
 18 unusual.
 19 Q. And the e-mail also states, Please feel to --
 20 to call me with questions you may have.
 21 Did anybody call you in response to this
 22 e-mail?
 23 A. I can't remember anybody calling me about it.
 24 Q. No Trustees or third parties?
 25 A. No.

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35 (Pages 131 to 134)

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[REDACTED]

3 Why would these additional -- this
 4 additional information be given to the press and not
 5 to Mr. Liebke?
 6 A. Well, again, there's two different purposes.
 7 Q. Okay.
 8 A. I don't know what was given to Mr. Liebke
 9 because I was not at his termination, and this note
 10 says, Because there's been considerable media and
 11 public attention, why we would say even a little bit
 12 more.
 13 Q. Is it standard practice to give the media
 14 more details of an employee's termination than the
 15 employee?
 16 A. Once again, I wasn't at the --
 17 MR. LOPEZ: Objection, form.
 18 A. -- termination meeting. I don't know what
 19 Mr. Liebke received.
 20 Q. (By Mr. Campbell) He received this, though,
 21 correct, the termination letter?
 22 A. I don't know what he was told verbally. I
 23 don't know what pieces of paper he received. I don't
 24 know whether he was given the investigation report.
 25 Q. Did you write this press release?

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1 A. No. It probably was drafted by
 2 communications.
 3 Q. Did you proofread this press release?
 4 A. Probably.
 5 Q. Is it your -- is it your -- your practice, in
 6 general, to proofread press releases and things like
 7 that before they go out -- or press releases before
 8 they go out?
 9 A. No. It -- it really depends on the
 10 situation. We -- we put out lots of press releases
 11 that I never -- that I never see personally.
 12 Q. So why was this one different?
 13 A. Again, high-level attention, the Board
 14 interest, PSO/auditing.
 15 Q. What high-level attention?
 16 A. So the Board was interested in anything
 17 related to audits, the restructuring of PSO. Jeremy
 18 Liebke is a high -- you know, was the senior person in
 19 PSO, so that's high -- high level enough for me to
 20 review a press release.

[REDACTED]

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[REDACTED]

13 Q. (By Mr. Campbell) So we've been discussing
 14 this e-mail, Exhibit 14, from you to the Trustees on
 15 September 5th. Are there other instances where a
 16 press release was put out about an employee's
 17 termination that differed significantly from their
 18 termination letter that you're -- that you're aware
 19 of?
 20 MR. LOPEZ: Objection, form.
 21 A. Not that I'm aware of.
 22 Q. (By Mr. Campbell) And the -- the letter also
 23 says, We are sending you a hard copy of that
 24 investigation by courier, right? Did that -- did
 25 that -- did that occur?

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1 A. I -- I'm assuming it did.

[REDACTED]

36 (Pages 135 to 138)

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1 Q. But it's asking about this letter that Jeremy
 2 Liebe sent to Trustees. I'm working on a story about
 3 it. I'm particularly interested in the allegations
 4 that hundreds of employees were hired without proper
 5 background checks made. Is that true?
 6 A. Yeah, that's what it looks like.
 7 Q. And then it looks like Justin -- Justin
 8 Coppedge forwarded that e-mail to -- to you and to
 9 Carmen Darville and Ann Smisko and Jon -- and Jack
 10 Elrod.
 11 A. Yeah, it looks like that.
 12 Q. Okay. So you would have gotten that -- do
 13 you recall getting this e-mail?
 14 A. No, I do not.
 15 Q. It was sent about -- it was sent 1:59 p.m.
 16 A. That's what it says on this.
 17 Q. Okay. But you don't recall ever reading it?
 18 A. No.
 19 Q. Do you recall if -- your meeting with Carmen
 20 Darville and Carlos Lopez to discuss Jeremy Liebe,
 21 did that occur after this e-mail was sent to your
 22 inbox?
 23
 24
 25

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1 rise to the level that I needed to take some action.
 2 Q. But it did get forwarded to you. Do you know
 3 Justin Coppedge forwarded it to you, as well as to the
 4 general counsel?
 5 A. Justin Coppedge would forward general things
 6 to me, things of interest even. So if he wanted my
 7 immediate attention, he would have come talk to me
 8 about it.
 9 Q. And then after the e-mail was forwarded to
 10 you -- those e-mails between -- between Carmen
 11 Darville and various people, this document is
 12 forwarding Liebe letter -- or Re: Liebe letter with
 13 some attachments, do you recall Carmen Darville or
 14 anyone else asking you about, for example, an e- -- an
 15 interview between Gaynell -- Gaynell Williams and
 16 Channel 8?
 17 A. No.
 18 Q. Or background check audits related to the
 19 issue that Jason Trahan brought to your attention
 20 here?
 21 A. No, I don't -- I don't remember what's in --
 22 what he brought. I don't remember what's in this
 23 media.
 24
 25

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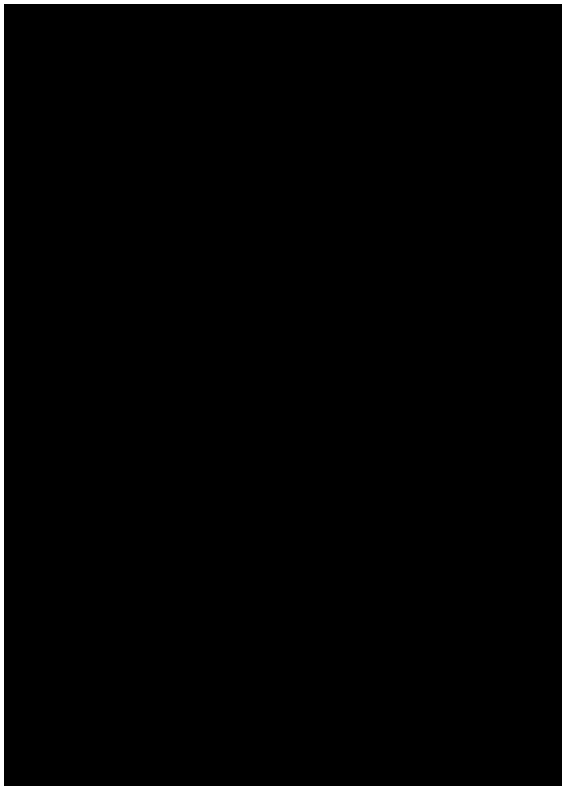
1 A. One, I don't recall getting this e-mail; and,
 2 two, I don't remember the timing --
 3 Q. Okay.
 4 A. -- of that day.
 5 Q. Do you recall -- do you recall people
 6 discussing this inquiry from Jason Trahan at any point
 7 either -- either before you fired Mr. Liebe or after?
 8 A. No.
 9 Q. Okay. How often do you check your e-mails --
 10 or how often did you check your e-mails when you were
 11 Superintendent?
 12 A. So it really depended on what was going on
 13 during the day. I didn't have a lot of time during
 14 the day to check e-mails. I also had my special
 15 assistant check e-mails, and, like I said, DeeDee did
 16 a few others, so usually evenings, early morning,
 17 weekends.
 18 But folks would bring to my attention
 19 anything this needed immediate attention.
 20 Q. And this was -- this was not brought to your
 21 attention?
 22 A. I don't remember seeing it during the day
 23 during that time frame. And just judging by -- if --
 24 if it's based on news reports, we had news items,
 25 social media all the time, so it probably would not

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37 (Pages 139 to 142)

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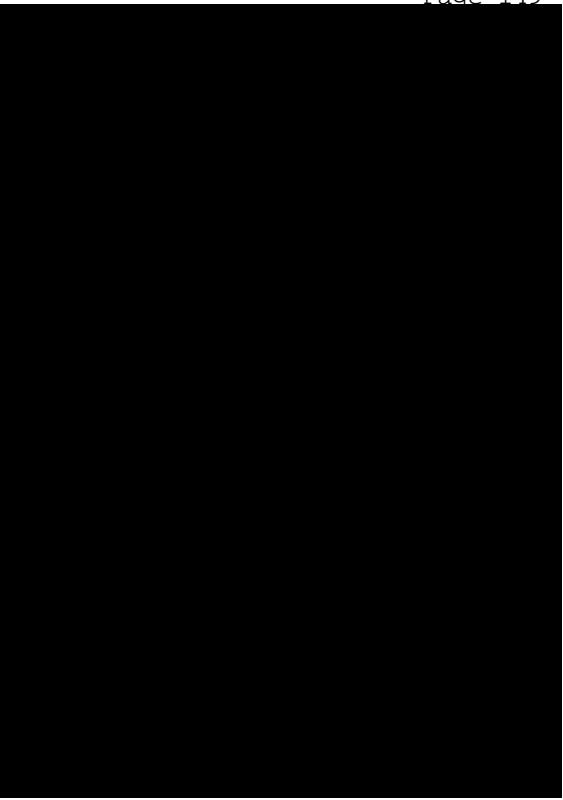
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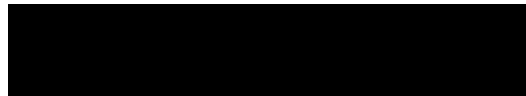
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4 Q. Do you know if Mr. Liebbe filed a grievance
5 after his termination?

6 A. I don't -- I don't recall.

7 Q. Do you recall being involved in any sort of
8 grievance process involving his termination, either as
9 a witness or having an -- outside of a statement or
10 hearing people discuss it?

11 A. Apart from these legal proceedings?

12 Q. In the grievance -- the internal grievance in
13 front of the Board, do you recall --

14 A. I -- I -- I don't recall --

15 Q. -- any involvement --

16 A. -- being --

17 Q. -- in that language?

18 A. By me, no.

19 Q. Okay. Do you recall other people discussing
20 that with you, other than your attorney?

21 A. You know, I don't -- I have a hazy
22 recollection, but I don't remember any specifics.

23 Q. To your knowledge --

24 A. I would -- I would not have been -- have been
25 involved in any way.

39 (Pages 147 to 150)

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- 1 Q. Okay. Is that standard --
 2 A. Yeah.
 3 Q. -- for -- even though you're the
 4 decision-maker for the termination, you're not
 5 involved in any grievances?
 6 A. Even -- even more so because as a
 7 decision-maker, I can't be involved in any of the
 8 grievances. I can't influence it in any way.

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- 25 Q. How about during the grievance process? Do

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- 1 you recall discussing the termination or the
 2 investigation into Mr. Liebbe with anyone?
 3 A. No. And I also don't remember the grievance
 4 process that well.
 5 Q. Okay. What was your -- what was the media
 6 environment around Mr. Liebbe's termination like?
 7 MR. LOPEZ: Objection, form.
 8 A. I don't know --
 9 Q. (By Mr. Campbell) What kind -- what kind of
 10 media attention did it get?
 11 A. I don't know. He got some obviously, but,
 12 again, we -- we -- we tended to ignore most of what
 13 went on in the media and just did the job that we
 14 needed to do.
 15 Q. And did that apply to Carmen Darville, as
 16 well? She would just ignore things in the media and
 17 just do her job?
 18 MR. LOPEZ: Objection, form.
 19 A. Again, regardless of the situation, there was
 20 media and social media, all kinds of things -- rumors,
 21 et cetera, and we ignored most of that and just tried
 22 to do the job we needed to do. It didn't mean that we
 23 ignored media totally. We had to respond to some
 24 things.
 25 Q. (By Mr. Campbell) Do you feel like the media

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- 1 attention around Mr. Liebbe's placement on leave or
 2 his termination made your job more difficult?
 3 MR. LOPEZ: Objection, form.
 4 A. Can you -- can you ask that again?
 5 Q. (By Mr. Campbell) Do you feel that the media
 6 attention around Mr. Liebbe's placement on leave or
 7 his termination, did that make your job more
 8 difficult? Was it addi- --
 9 A. No. I mean, I --
 10 Q. -- was it additional work you had to do to
 11 deal with?
 12 A. -- I don't think it had much of an impact on
 13 what we had to do.
 14 Q. Okay. After Mr. Liebbe's termination, did
 15 you hear people within DISD discussing it -- just
 16 casually discussing it, or did you hear any rumors
 17 about the investigation into Mr. Liebbe?
 18 A. No.
 19 Q. Did you hear DISD employees discuss the media
 20 coverage of Mr. Liebbe's termination?
 21 A. No, not that I can recall.
 22 Q. What was your impression of what the reaction
 23 among most of the people -- well, scratch that.
 24 Among the Cabinet members, how did the
 25 reac- -- what -- what was -- what were people's

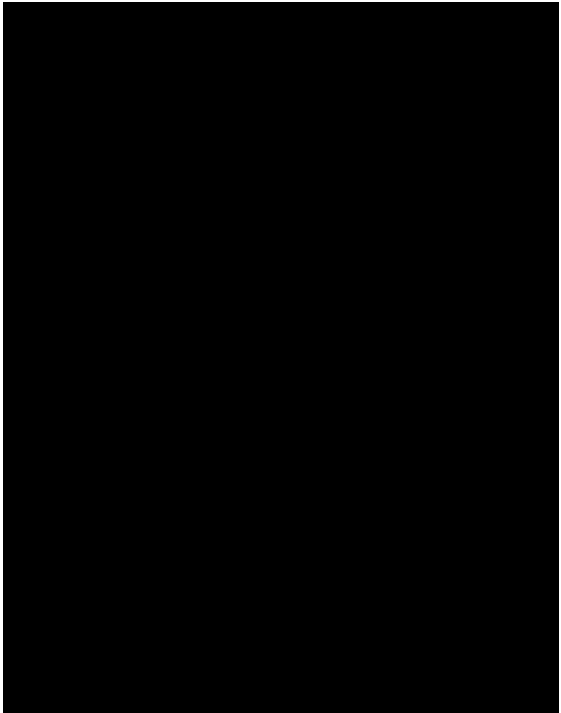
40 (Pages 151 to 154)

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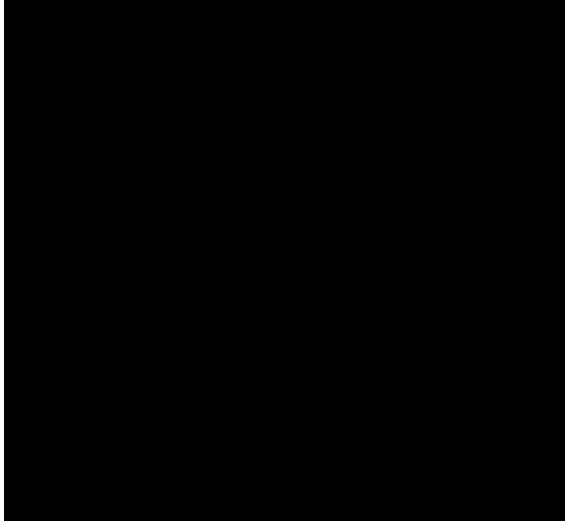
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- 1 reactions to Mr. Liebbe's termination?
- 2 A. I don't remember our Cabinet talking about
- 3 Mr. Liebbe, except with Carmen Darville and our lawyer
- 4 Jack after -- after the termination. We just moved
- 5 on. Nobody --
- 6 Q. Nobody discussed --
- 7 A. I don't --
- 8 Q. -- any further?
- 9 A. -- remember discussion about it -- I don't
- 10 remember discussing about it --
- 11 Q. How about --
- 12 A. -- at Cabinet.
- 13 Q. How about the Board? Do you -- do you recall
- 14 any Trustees discussing his termination with you --
- 15 A. No.
- 16 Q. -- after the fact?
- 17 A. Not -- not that I can remember.
- 18 Q. Do you recall any Trustees discussing the
- 19 grievance process with Mr. Liebbe with you?
- 20 A. Same, I don't remember that.
- 21 Q. Or the investigation?
- 22 A. No.
- 23 Q. Okay. At -- you know, either after the
- 24 termination or before --
- 25 A. Neither.

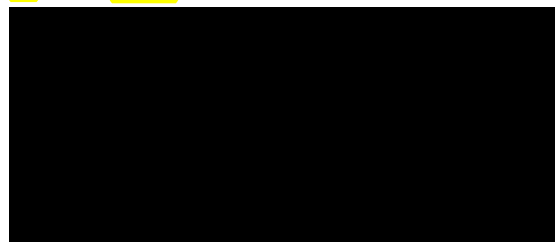
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- 1 Q. -- other than the closed-door meeting?
 - 2 A. Right.
- 

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- 
- 18 Q. Other than Mr. Liebbe, have you ever fired
 - 19 anyone else -- an at-will employee, that is, for going
 - 20 to the media about some issue?
 - 21 A. No.
 - 22 Q. Have you ever fired an at-will employee --
 - 23 A. And you said other than Mr. Liebbe? Is that
 - 24 what your -- your question was?
 - 25 Q. Oh, okay. Sorry, sorry. Okay. I'll --

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- 1 Mr. -- let me rephrase.
 - 2 Mr. Liebbe aside --
 - 3 A. Because Mr. Liebbe was not fired because of
 - 4 that.
 - 5 Q. Okay. Okay. All right. I appreciate that.
 - 6 Let me rephrase. Mr. Liebbe aside,
 - 7 leaving aside his case entirely, have you ever fired
 - 8 anyone for going to the media about any particular
 - 9 issue?
 - 10 A. No.
 - 11 Q. Have you ever fired anyone for going to the
 - 12 Texas Education Agency with a complaint?
 - 13 A. No.
 - 14 Q. Have you ever fired anyone for bringing an
 - 15 issue to the Board --
 - 16 A. No.
 - 17 Q. -- of Trustees?
 - 18 A. No.
- 

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10 Do you recall if there were multiple
11 investigations by the TEA into potential problems with
12 DISD's background check system?

13 A. No, I don't recall that. You know, an
14 investigation takes some time. So multiple inquiries
15 or multiple questions, probably, but not multiple
16 investigations.

17 Q. Okay. Was this the same investigation -- or
18 do you recall how long this investigation in
19 particular had been ongoing?

20 A. No, I don't.

21 Q. Okay. Do you recall how it was resolved?

22 A. No. I mean, I have a vague recollection that
23 it's more of a technical issue, just reporting,
24 nothing major.

25 Q. Reporting what?

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1 A. No. So just a technical issue of making sure
2 that the fingerprinting did get reported in time or
3 got logged in, not that they weren't being done.
4 That's my vague recollection.

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1 was -- there was some technical issues that we weren't
2 reporting -- not that they weren't conducted, just the
3 timing or reporting. But, again, I don't know the
4 specifics. I don't remember it being a big, you know,
5 issue.

19 Q. (By Mr. Campbell) Okay. So you may have
20 already said this, but do you recall how this
21 investigation was resolved eventually?

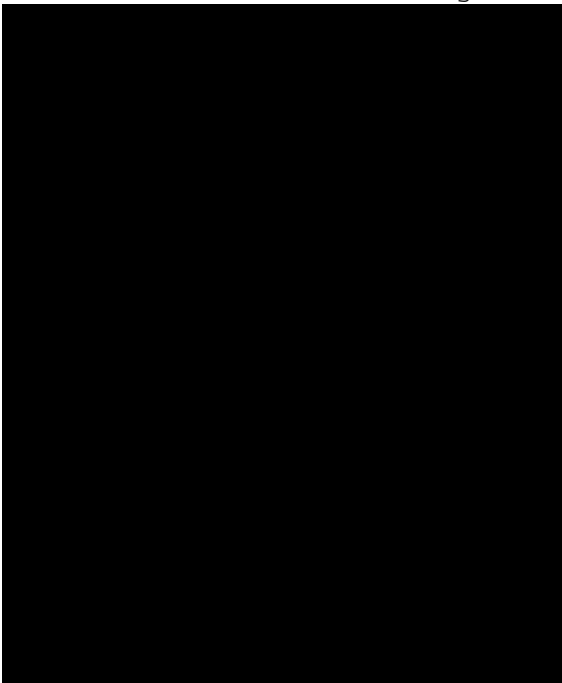
22 A. I don't remember the -- the detail resolved
23 by No. 1.

24 Q. No. I --

25 A. And what I said was that I -- I think it

42 (Pages 159 to 162)

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| Page 163 | Page 164 |
|--|--|
| <div data-bbox="248 149 807 827" data-label="Image"></div> <div data-bbox="251 827 799 913" data-label="Text"><p>23 THE VIDEOGRAPHER: Off the record, 1:52 24 p.m. 25 THE REPORTER: Are there any further</p></div> | <div data-bbox="841 165 1377 403" data-label="Text"><p>1 agreements, stipulations, or requests under Rule 2 30(b)(5)(C) that need to be put into the record? 3 MR. LOPEZ: Just in terms of reviewing 4 the transcript, 14 days, that should be plenty to 5 review in case there's any corrections in the 6 transcript. You know, today, that's -- I mean -- 7 MR. CAMPBELL: That's fine. 8 (Deposition adjourned at 1:52 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p></div> |

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| 3 | PAGE | LINE | CHANGE | REASON |
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|---|------|------|--------|--------|

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1 I, MIKE MILES, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4
5 _____
6 MIKE MILES
7
8
9

10 THE STATE OF _____)

11 COUNTY OF _____)

12 Before me, _____, on this
13 day personally appeared MIKE MILES, known to me (or
14 proved to me under oath or through _____)
15 (description of identity card or other document) to be
16 the person whose name is subscribed to the foregoing
17 instrument and acknowledged to me that they executed
18 the same for the purposes and consideration therein
19 expressed.

20 Given under my hand and seal of office this
21 _____ day of _____, 2017.
22
23

24 _____
25 NOTARY PUBLIC IN AND FOR
THE STATE OF _____

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Kathy E. Weldon, Certified Shorthand
4 Reporter, in and for the State of Texas, certify that
5 the foregoing deposition of MIKE MILES was reported
6 stenographically by me at the time and place
7 indicated, said witness having been placed under oath
8 by me, and that the deposition is a true record of the
9 testimony given by the witness.

10 I further certify that I am neither counsel
11 for nor related to any party in this cause and am not
12 financially interested in its outcome.

13 Given under my hand on this the ____ day of
14 _____, 2017.

15
16 _____
17 Kathy E. Weldon, CSR No. 6166
18 My commission expires 12-31-18
19 Notarius Reporting, Inc.
20 Firm No. 659
6510 Abrams Road
Suite 640
Dallas, Texas 75321
Ph. 214.324.3733 Fax 214.432.5415

21 Time used by each party:
22 Mr. Austin P. Campbell - 3:29
23 Mr. Carlos G. Lopez - 0:00
24 Mr. Derrick R. Ward - 0:00
25

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Jeremy Liebbe

From: Bernadette Nutall <bwnutall@yahoo.com>
Sent: Saturday, September 6, 2014 15:29
To: jliebbe@me.com
Subject: Fw: Termination of Liebbe

Bernadette Nutall

On Friday, September 5, 2014 6:42 PM, "Miles, Mike" wrote:

Trustees,

This afternoon, Carlos Lopez, the outside counsel investigating allegations against Jeremy Liebbe, briefed Carmen Darville and me on the outcome of that investigation. All seven inquiries were substantiated. We are sending you a hard copy of that investigation by courier.

As a result of the investigation and findings, the District terminated Jeremy Liebbe at approximately 6:00 p.m. We will make the following statement:

Dallas ISD announced that it has released its lead investigator based on the findings of a month and a half-long review. The review, conducted by outside counsel, found multiple instances of poor behavior and decision-making, and violations of law and the Texas Education Code that warranted the termination of Jeremy Liebbe, who had managed the Professional Standards Office since March of 2014.

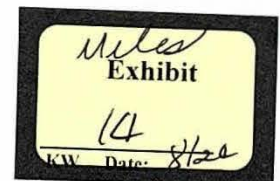
As a matter of practice, Dallas ISD does not comment on personnel issues. "It is unfortunate that this matter has been made so public without the District being able to comment," said Andre Riley, Director of News and Information. "Because there has been considerable media and public attention, we believe it is important for the public to know the outcome of the investigation," said Mr. Riley. "That being said, to respect all involved, we will not discuss the details of the investigation or resulting action."

Please feel free to call me with questions you may have.

Mike

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Liebbe 00927